

THE TRANSFORMATIVE POTENTIAL  
OF A VULNERABILITY FOCUS  
IN BASIC ASSISTANCE POLICIES

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# **The Transformative Potential of a Vulnerability Focus in Basic Assistance Policies**

A Study on UNHCR and IOM in Sudan

**PhD thesis**

to obtain the degree of PhD at the  
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Thursday 22 October 2020 at 11.00 hours

by

**Veronika Lydia Birgit Flegar**

born on 15 June 1989  
in Stuttgart, Germany

**Supervisors**

Prof. G.J. Vonk

Prof. B.C.A. Toebes

**Co-supervisor**

Dr. V.M. Bex-Reimert

**Assessment Committee**

Prof. M.L.M. Hertogh

Prof. H.B. Winter

Prof. T. Mattsson

To Anne-Katrin Feigl (1989-2019)



## PREFACE AND ACKNOWLEDGEMENTS

The five years during which I worked on this research, and especially the two years I spent in Sudan, were quite a journey. They allowed me to not only theorise about, but also to experience, feel and see vulnerability and resilience from up close. Precarity, disenfranchisement and very raw human suffering remain wide-spread in Sudan: whether it is the devastated refugees and other migrants that came to visit UNHCR and IOM during my research at these organisations, the displaced and/or disabled persons whom I encountered begging on the streets of Khartoum or the Sudanese protestors and political activists who had been suffering under a repressive regime for decades. Their faces told stories of devastation, but I simultaneously felt like a veil of collective denial had settled upon Sudan: people were careful in voicing any potentially critical opinions and passively underwent sandstorms, floods, incredible heat and draught, political repression and a deteriorating economic crisis that caused currency, bread and fuel shortages. People waited for hours, often even overnight, to receive fuel – apparently without ever complaining openly. Initially, it was hard for me to understand this, what to me seemed like, apathy and I was somewhat disappointed that only very few people would dare to speak up and even fewer would be willing to take action.

How wrong this initial impression was.

In 2019, Sudan witnessed the largest revolution in its history, which toppled long-term president-dictator Omar Al-Bashir on 11 April 2019. I remain deeply humbled by all the Sudanese who found the bravery and strength to stand up, unite and peacefully fight for justice, freedom and democracy. The passion, conviction and determination of the progressive voices in Sudan remains truly inspiring and has shown me what resilience really means. Mobilising and uniting peaceful protestors throughout a hugely divided and dispersed country, maintaining momentum for this movement throughout more than six months despite all government attempts to shut it down, holding a non-stop sit-in protest on a major road in front of the army headquarters for several weeks before and all throughout Ramadan during at least 45°C, recovering and drawing strength from continuous and horrible atrocities committed by military and paramilitary forces and organising large-scale demonstrations and strikes during a complete internet block-out are only some of the incredible examples of this resilience.

Although the present study is not about these protests or about Sudan as such, I think it is safe to say that the Sudanese are some of the most resilient people on earth. Whether it is in the many small-scale community initiatives among citizens and non-

citizens throughout Sudan, the cross-border solidarity of people with similar progressive hopes in countries like Algeria and Syria, or the Sudanese diaspora's strong involvement in, and rooting for, a democratic transition in Sudan: all of these examples reveal how vulnerability, migration, resilience and development are closely intertwined.

I have been lucky and remain incredibly grateful to have shared parts of this journey on vulnerability and resilience with a lot of amazing people (not all of whom I can name here). First and foremost, I would like to extend my heartfelt gratitude to my supervisors Prof. Gijsbert Vonk, Prof. Brigit Toebes and Dr. Viola Bex-Reimert for your great support and trust. The freedom you granted me to venture along unusual paths and to uncommon places ensured that I could keep my motivation till the end. Your thoughtful and well-dosed comments and advice provided me with encouragement at cross-roads and in difficult times. Although we sometimes spoke different academic 'languages', your diverse backgrounds and passions really helped me to identify and define my own interests. I will particularly cherish the memories of our informal meetings, be it at your homes, for lunch or for drinks: especially after I had moved away from Groningen these moments ensured that I still felt welcome and at home 'up in the north'.

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A special thank you also to my colleagues at the Department of Constitutional Law, Administrative Law and Public Administration and at the Department of Transboundary Legal Studies at the University of Groningen as well as at the Institute for History at Leiden University for the inspiring conversations and happy moments. Your interest in my experiences in Sudan and Bangladesh as well as in my research (despite me only being around every so often) always gave me a feeling of belonging that helped me to continue with this project. This is all the more true for the laughs, talks and dinners with my dear friends and colleagues of the original 'Food and wine club!!' Lottie, Ira, Lucia, Marlies, Erna, Heyd, Katrina and Eva.

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I would also like to thank the institutions who hosted me or granted me access to their work as well as the researchers whom I met and who shared their thoughts during conferences and individual meetings. A special thanks to the employees of UNHCR and IOM in Khartoum for granting me access, letting me participate and sharing their insights and ideas on basic assistance to non-citizens. A big thank you also to all my friends and colleagues in Sudan, at Ahfad University, UNDP and beyond, without whom my stay in Sudan would not have been the same. Many thanks also to the inspiring people who were working at, or visiting, Lund University and Malmö University during my research period in Sweden and especially Prof. Titti Mattson for the warm welcome, encouragement and intellectual exchanges that kickstarted the analysis of my case studies and helped me to see light at the end of the tunnel.

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I owe an extraordinary amount of gratitude to all my friends and family (and especially Svenja) for your patience, interest, encouragement and welcome distractions throughout the past five years. I could not have done it without you! A special thanks for giving me a temporary home or supporting me in innumerable other ways to Ingrid and Egbert, Louisa, Eva, Lottie, Dorien, Lucia, Katrina, Melissa and Daan.

A very special thanks goes to my parents for raising me as a responsible and free person, for granting me every opportunity to broaden my horizon and for fostering in me a curious and restless mind that would venture out to discover the world. I also owe so much gratitude to my husband Bas: your incredible patience, your pep talks, your critical questions and reviews as well as your unconditional love really kept me going. The thought of the incredible life we built together and continue to build every day encourages me to be resilient – to get up in the morning, smile at the world and fall asleep grateful for every moment I am allowed to experience.

Lastly, I would like to thank Anne and dedicate this book to her. More than a year later, I still don't have words for the sorrow your sudden death has caused to your family and to everyone who knew you. I remain forever grateful for your contribution to this research as well as for the friendship, laughter and sunshine that you brought into my life and into the world of so many people. Without you, my stay in Sudan would not have been the same and I will always remember your enthusiasm, dedication and pragmatism. You had an incredible gift to stay positive, focused and humble despite all adversities (and adversities there were many in Sudan). I hope that the conclusions of this research would be in your interest and can contribute to one of the causes that you cared about most – the protection of vulnerable migrants.

Veronika Flegar, July 2020  
Dhaka, Bangladesh



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# LIST OF ABBREVIATIONS\*

AVRR	Assisted Voluntary Return and Reintegration
COR	Commission(er) for Refugees <sup>1</sup>
DSA	Daily Subsistence Allowance
EU	European Union
GIZ	German Organisation for International Development Cooperation
HQ	Headquarters
IDP	Internally Displaced Person
ILO	International Labour Organisation
IOM	International Organisation for Migration
NGO	Non-Governmental Organisation
PSS	Psychosocial Support
PoC	Person(s) of concern (to UNHCR)
RCS	Refugee Counselling Services
SDG	Sustainable Development Goal <sup>2</sup>
SDG	Sudanese Pound
(S)GBV	(Sexual and) Gender-based Violence
SNC	Special Needs Codes
SOPs	Standard Operating Procedures
UN	United Nations
UAM	Unaccompanied Minor(s)
UMC	Unaccompanied Migrant Child
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNAMID	United Nations African Union Mission in Darfur
UNISFA	United Nations Interim Security Force for Abyei (UNISFA)
VoT	Victim of Trafficking
WFP	World Food Programme

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\* Most abbreviations are used by respondents and are not deliberate choices of this thesis. The overview excludes obvious abbreviations like HIV/AIDS, ID, TV, VIP, ATM, GDP and TB.

<sup>1</sup> Both terms, 'commission' and 'commissioner', were used by stakeholders in Sudan.

<sup>2</sup> Mentioned only once by a respondent.





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# CHAPTER 1

## INTRODUCTION

This study investigates the transformative potential of a vulnerability focus in basic assistance policies.<sup>1</sup> It includes two case studies on such policies, both set in Khartoum, Sudan. The first case study focuses on the United Nations High Commissioner for Refugees (UNHCR) while the second case study centres on the International Organisation for Migration (IOM). The analysis concentrates on basic assistance providers, i.e. on the case workers and their direct superiors who design and implement the respective basic assistance policies.

This opening chapter outlines the research topic and approach of this study. It starts with an overview of the relevance and focus of this research (1.1 – 1.3). Subsequently, the chapter explains the study's embeddedness in the sociology of human rights (1.4) and its epistemological standpoint of critical pragmatism (1.5). The chapter then proceeds to present the research approach (1.6) and ends with a section on key terminology choices (1.7) and an overview of the structure of the book (1.8).

### 1.1. THE INCREASED FOCUS ON, BUT DISPUTABLE VALUE OF, VULNERABILITY

‘Vulnerability’ seems to have become a buzz-word in law and policy and some even speak of “[a] vulnerability zeitgeist”.<sup>2</sup> The term serves as a tool for understanding and addressing social problems and “now stretches into so many governance areas it is difficult to keep track, permeating policy matters ranging from violence against women to volcanoes”.<sup>3</sup> Despite – or perhaps because of – this multifaceted use, vulnerability is not a clear-cut or neutral concept. Rather, the notion of vulnerability brings with it a variety of different connotations and dilemmas that often remain obscured.<sup>4</sup> This obscurity around the notion's content, choices and context raises the question whether and to what extent the increased attention to vulnerability is desirable from a human

---

<sup>1</sup> See Section 1.1 on what this study understands as ‘transformative potential’.

<sup>2</sup> Kate Brown, ‘The Governance of Vulnerability: Regulation, Support and Social Divisions in Action’ [2017] 37(11/12) *International Journal of Sociology and Social Policy* 667–668.

<sup>3</sup> Brown (2017), 667–668.

<sup>4</sup> See, e.g., Catherine Elizabeth Brown, *The Concept of Vulnerability and its Use in the Care and Control of Young People* (PhD Thesis, University of Leeds 2013).

rights perspective: does a vulnerability focus ensure or endanger the realisation of universal human rights? Previous authors appear to be somewhat divided on this issue.

Proponents of increased attention to vulnerability are generally inclined to view the notion as beneficial for the realisation of universal human rights.<sup>5</sup> They argue that, by focusing on humans as embodied and socially embedded, the vulnerability notion emphasises the ‘human’, rather than the ‘rights’, element of the human rights paradigm.<sup>6</sup> The notion thereby underlines that human rights are not merely the rights of individual persons, but also entail a social dimension that is crucial to understand and address. A focus on vulnerability is said to draw attention to the social and societal structures that can aggravate or mitigate disadvantage, marginalisation and exclusion.<sup>7</sup> This is what the present study views as the essence of the vulnerability notion’s alleged ‘transformative potential’. From this perspective, a focus on vulnerability is ‘transformative’ because it can help to direct human rights towards a process of realising substantive equality, i.e. towards being “responsive to those who are disadvantaged, demeaned, excluded, or ignored”.<sup>8</sup>

<sup>5</sup> See, e.g., Alexander Morawa, ‘Vulnerability as a Concept of International Human Rights Law’ [2003] 6(2) *Journal of International Relations and Development* 150; Brian Turner, *Vulnerability and Human Rights* (Pennsylvania State University Press 2006); Martha Fineman, ‘The Vulnerable Subject: Anchoring Equality in the Human Condition’ [2008] 20(1) *Yale Journal of Law and Feminism* 1–23; Audrey Chapman and Benjamin Carbonetti, ‘Human Rights Protections for Vulnerable and Disadvantaged Groups: The Contributions of the UN Committee on Economic, Social and Cultural Rights’, [2011] 33 *Human Rights Quarterly* 682–732; Martha Fineman and Anna Grear (eds.), *Reflections on a New Ethical Foundation for Law and Politics* (Ashgate 2013); Lourdes Peroni and Alexandra Timmer, ‘Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law’ [2013] 11(4) *International Journal of Constitutional Law* 1056–1085. Romina Sijniensky, ‘From the Non-Discrimination Clause to the Concept of Vulnerability in International Human Rights Law’ in Yves Haeck et al. (eds.), *The Realisation of Human Rights: When Theory Meets Practice* (Intersentia 2013) 259–272; Sylvie da Lomba, ‘Vulnerability, Irregular Migrants’ Health-Related Rights and the European Court of Human Rights’ [2014] 21(4) *European Journal of Health Law* 360. Ursula Brandl and Philip Czech, ‘General and Specific Vulnerability of Protection-Seekers in the EU: Is there an Adequate Response to their Needs?’ in Francesca Ippolito and Sara Iglesias Sánchez (eds.), *Protecting Vulnerable Groups: The European Human Rights Framework* (Hart 2015) 247–270; Veronika Flegar, ‘Vulnerability and the Principle of Non-refoulement in the European Court of Human Rights: Towards an Increased Scope of Protection for Persons Fleeing from Extreme Poverty?’ [2016] 8(2) *Contemporary Readings in Law and Social Justice* 148–169. Veronika Flegar and Marie Veys, ‘De Europese Verplichtingen voor Procedurele Waarborgen in de Asielprocedure en de Nederlandse Implementatie vanuit Kwetsbaarheidsperspectief’ [2017] 2(11) *Journaal Vreemdelingenrecht* 28–49; Veronika Flegar and Emma Iedema, ‘The Use of the ‘Vulnerability’ Label by the Committee on the Elimination of Discrimination Against Women: Protecting or Stigmatising Women and Girls in the Forced Migration Context?’, [2019] 1 *Brill Open Law* 1–41.

<sup>6</sup> Martha Fineman, ‘Equality, Autonomy, and the Vulnerable Subject in Law and Politics’, in: Fineman and Grear (2013), 13. Compare also, e.g., Turner (2006); Fineman (2008); Fineman and Grear (2013); Catriona Mackenzie, ‘The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability’ in Catriona Mackenzie, Wendy Rogers and Susan Dodds (eds.), *Vulnerability: New Essays in Ethics and Feminist Philosophy* (Oxford University Press 2013) 33–59.

<sup>7</sup> Fineman (2008), 1.

<sup>8</sup> Sandra Fredman, ‘Revisiting Substantive Equality’ [2016] 14(3) *International Journal of Constitutional Law* 713. Compare also, e.g. Fineman (2008); Fineman and Grear (2013). See also Section 1.7.2 and Chapter 2 for an elaboration of the study’s understanding of the vulnerability notion’s transformative potential for substantive equality.

Other authors, however, caution against an over-enthusiastic embrace of the vulnerability notion. These authors argue, for instance, that a vulnerability focus in specific laws or policies can serve both (re-)distributive and social control-focused governing efforts and that it can be instrumentalised for both socialist (redistributive) and conservative (restrictive) interests.<sup>9</sup> Depending on how the notion is understood and employed, vulnerability can therefore support emancipation as well as paternalism.<sup>10</sup> This suggests that an increased focus on vulnerability is not necessarily beneficial for the realisation of universal human rights.<sup>11</sup> Instead, the vulnerability notion's alleged transformative potential for substantive equality depends on how, and in what context, specific policies focus on vulnerability.<sup>12</sup>

These diverging normative perspectives on the desirability of an increased focus on vulnerability suggest that there might be a conflict between what is perceived as desirable in normative human rights theory and what is perceived as actually feasible in policy practice.<sup>13</sup> This raises the question of whether and to what extent the notion of vulnerability in normative theory and the practical focus on vulnerability in specific policies might complement or contradict each other. To shed light on this question, the present study explores how vulnerability is understood and why it is understood that way in the design and implementation of two specific policies.

To do so, the study focuses on two dimensions of the vulnerability notion's alleged transformative potential (outlined in more detail in Chapter 2): 1) the potential to mitigate stigmatisation and stereotyping and 2) the potential to facilitate socio-economic participation. How can a vulnerability focus in specific policies contribute to these two dimensions of the alleged transformative potential of the vulnerability notion?

## 1.2. HUMAN RIGHTS IN THE MIGRATION CONTEXT<sup>14</sup>

Due to time and resource constraints, this study does not focus on all policy areas and purposes in which vulnerability could contribute to substantive equality but limits itself

<sup>9</sup> Sean Coyle, 'Vulnerability and the Liberal Order' in: Fineman and Gear (2013) 70. Compare also, e.g., Brown (2013); Nina Kohn, 'Vulnerability Theory and the Role of Government' [2014] 26 *Yale Journal of Law and Feminism* 1–27; Hazel Biggs and Caroline Jones, 'Legally Vulnerable' in Michael Freeman, Sarah Hawkes and Belinda Bennett (eds.), *Law and Global Health: Current Legal Issues Volume 16* (Oxford University Press 2014), 133–148.

<sup>10</sup> Compare, e.g., Kate Brown, 'Vulnerability: Handle with Care' [2011] 5(3) *Ethics and Social Welfare*, 315–316 and Peroni and Timmer (2013) 1072–1073.

<sup>11</sup> On the desirability of different types of care/emancipation and control/paternalism see, e.g., Michael Barnett, 'Paternalism and Global Governance' [2015] 31(1) *Social Philosophy and Policy* 216–243.

<sup>12</sup> Kate Brown, Kathryn Ecclestone and Nick Emmel, 'The Many Faces of Vulnerability' [2017] 16(3) *Social Policy and Society* 505. Compare also, e.g. Shelley Bielefeld, 'Cashless Welfare Transfers for 'Vulnerable' Welfare Recipients: Law, Ethics and Vulnerability' [2018] 26(2) *Feminist Legal Studies* 1–23.

<sup>13</sup> For this study's understanding of 'policy practice' see Section 1.7.6.

<sup>14</sup> This study understands 'migration context' as the physical, legal and/or policy space in which non-citizens find themselves and in which a large variety of different (governmental as well as non-

to the vulnerability focus in basic assistance policies for non-citizens.<sup>15</sup> This section outlines the considerations underlying this choice.

A prominent feature of today's globalizing world is the large number of people on the move and the difficulties involved in managing these movements in a just and humane manner. This is likely to remain a challenge for the near future: the amount, size and complexity of humanitarian crises around the world is considerable and the number of persons who fled their countries of nationality as a result of such crises (refugees and asylum seekers) had reached 30.2 million by the end of 2019.<sup>16</sup> On top of this, an increasing number of people are, encouraged by economic opportunities and technological advancements, temporarily or permanently residing outside their country of nationality.<sup>17</sup>

When abroad, these persons – non-citizens – can usually not rely on the full scope of the rights to which they are entitled as citizens of their country of nationality. Effectively, they therefore largely depend on the protection and assistance provided by their country of residence and/or by the international community. Many of these non-citizens enjoy extensive social, civil and political rights and liberties in their countries of residence. Yet, others end up in precarious situations in which even their most basic human rights are not being realised.

This underlines that human rights are not equally realised for all human beings. From a human rights perspective, this is problematic since human rights are, at least in theory, deemed universal and thus as equally applicable to all human beings regardless of nationality, legal status or place of residence. The preamble of the Universal Declaration for Human Rights (UDHR), for instance, recognises that “the inherent dignity and [...] the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” and Article 2 UDHR on the principle of non-discrimination emphasises that “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration”.<sup>18</sup> Furthermore, the (partial) non-realisation of the human rights of non-citizens in precarious situations contradicts the broad, but well-established, substantive equality principle in human rights theory. This substantive

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governmental) actors engage with, restrict or assist these non-citizens. See Section 1.7.4 for this study's definition of non-citizens.

<sup>15</sup> See Section 1.7.4 for this study's definition of non-citizens and Section 1.7.5 for this study's definition of basic assistance policies.

<sup>16</sup> UNHCR, 'Figures at a Glance' <<https://www.unhcr.org/ph/figures-at-a-glance>> accessed 13 July 2020. This number does not include internally displaced persons (IDPs) who amounted to 45.7 million at the end of 2019 and Venezuelans displaced abroad who amounted to 3.6 million at the end of 2019.

<sup>17</sup> See, e.g., IOM, *World Migration Report 2020* (IOM 2019) <<https://publications.iom.int/books/world-migration-report-2020>> accessed 21 March 2020, 10.

<sup>18</sup> Universal Declaration of Human Rights (adopted 10 December 1948) UN General Assembly Resolution 217 A(III) art 2. On the principle of non-discrimination compare also, e.g., Wouter Vandenhoe, *Nondiscrimination and Equality in the View of the UN Human Rights Treaty Bodies* (Intersentia 2005). Cited in Veronika Flegar, “The Principle of Non-discrimination: An Empty Promise for the Preventive Health Care of Asylum Seekers and Undocumented Migrants?” [2015] 3(2) Groningen Journal of International Law 85–101.



equality principle entails that “the right to equality [and non-discrimination] should be responsive to those who are disadvantaged, demeaned, excluded, or ignored”.<sup>19</sup>

The fact that, in practice, human rights often remain limited for non-citizens is at least partially due to the sovereignty which states have over their domestic affairs: this state sovereignty allows countries to independently govern their internal affairs and to decide who is granted access to the political community and resources.<sup>20</sup> The realisation of the human rights of non-citizens, and any engagement to foster substantive equality in this respect, thus largely depends on the willingness of each state to grant these rights. Even if a country decides to restrict the rights of non-citizens, there is little enforcement and much reluctance by the international community to intervene in the sovereign affairs of this country. Hence, sovereign states have little to fear if they only assist their own citizens and fail to realise the human rights of every person on their territory or within their jurisdiction.

Countries like the focus country of this study, the Republic of Sudan, even struggle (or are unwilling) to realise the human rights of their *own* citizens – leaving much more to be desired with regard to the realisation of the human rights of non-citizens. With, at the time of research, an estimated refugee population of more than 1 million people and an unknown number of other migrants, even the most basic human rights (such as the rights to food, housing and health care) of these non-citizens are often not being realised (see also Chapter 5). In situations like these, the protection of, and assistance to, these non-citizens usually falls (partially) upon the international community, and specifically, upon the United Nations and her implementing agencies.<sup>21</sup>

Generally, the international community seems to be willing to provide such humanitarian assistance to protect and assist those non-citizens in the most precarious situations – be it due to a perceived legal or moral obligation or simply as a result of political opportunism. This willingness is also reflected in the broader global policy discourse among states and international organisations. In this context, the ‘vulnerability’ of these non-citizens is a crucial consideration<sup>22</sup>: the most recent and most prominent international agreements on international migration governance for instance – the 2016 New York Declaration for Refugees and Migrants and the 2018 Global Compacts on Refugees and on Migration – prominently emphasise vulnerability.<sup>23</sup> Additionally, humanitarian operations aimed at protecting and assisting persons in need are frequently guided by the notion of vulnerability and tend to use this notion “as a sort of flag for giving heightened ethical attention with the aim

<sup>19</sup> Fredman (2016), 712. See also Section 1.1.

<sup>20</sup> Compare, e. g., Turner (2006) 2. This study views a ‘political community’ as “the national community: the community that is the product of the political association that is the state”. Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (Oxford University Press 2003) 180.

<sup>21</sup> Provided that the country in question agrees to such assistance by the international community.

<sup>22</sup> Compare, e.g., da Lomba (2014); Flegar (2016).

<sup>23</sup> UN General Assembly ‘New York Declaration for Refugees and Migrants’ (19 September 2016) UN Doc A/71/L.1 (adopted unanimously). Compare also Idil Atak *et al.*, “Migrants in Vulnerable Situations’ and the Global Compact for Safe Orderly and Regular Migration’ [2018] Queen Mary School of Law Legal Studies Research Paper No. 273/2018; Flegar (2018).

of promoting justice”.<sup>24</sup> As such, international organisations that provide humanitarian assistance in the migration context commonly identify different types of non-citizens as vulnerable and therefore as eligible to some form of protection and/or assistance.<sup>25</sup>

When recalling the abovementioned observation that the notion of vulnerability can be employed for a large variety of potentially contradicting policy goals (see Section 1.1), this attention to the vulnerability of non-citizens in humanitarian operations raises questions: what is the reasoning behind this vulnerability focus by humanitarian assistance providers? Do these references to vulnerability have anything to do with the way in which vulnerability is understood in normative human rights theory? If so, what could this vulnerability focus potentially contribute to the realisation of universal human rights or, more specifically, to substantive equality? If not, why is the complementarity between this vulnerability focus in humanitarian operations and the alleged transformative potential of vulnerability in normative human rights theory limited?

### 1.3. THE FIELD-LEVEL BASIC ASSISTANCE PROVISION BY INTERNATIONAL ORGANISATIONS

With the above questions in mind, the present study focuses on the way in which vulnerability is assessed and addressed in the field-level basic assistance provision to non-citizens by two international organisations. The study refers to this process as vulnerability-focused basic assistance provision.<sup>26</sup> This section outlines the rationale that underlies this focus.

As indicated above, the international governance of migration is prominently situated in the policy domain of international (governmental) organisations.<sup>27</sup> Although state interests remain paramount for migration policies, international organisations tend to increasingly develop, promote and act upon their own visions of how migration should be governed.<sup>28</sup> This governance includes a large variety of different activities – including, for instance, efforts to limit migratory movements, to protect and assist non-citizens and to mitigate the negative and augment the positive

<sup>24</sup> Ayesha Ahmad *et al.*, ‘Identities, Intersectionalities and Vulnerabilities in Humanitarian Operations: A Response to Slim’, <<https://reliefweb.int/report/world/identities-intersectionalities-and-vulnerabilities-humanitarian-operations-response>> accessed 25 December 2019.

<sup>25</sup> Compare, e.g., Veronika Flegar, ‘Who is Deemed Vulnerable in the Governance of Migration? – Unpacking UNHCR’s and IOM’s Policy Label for Being Deserving of Protection and Assistance’ [2018] 8 *Asiel- & Migrantenrecht* 374–383.

<sup>26</sup> See Section 1.7.5 for this study’s definition of basic assistance provision.

<sup>27</sup> Philippe Frowd, ‘Developmental Borderwork and the International Organisation for Migration’ [2018] 44(10) *Journal of Ethnic and Migration Studies* 1656. Compare also, e.g., Alexander Betts, *Forced Migration and Global Politics* (Wiley-Blackwell 2009) 117.

<sup>28</sup> See e.g. Martin Geiger and Antoine Pécoud, ‘International Organisations and the Politics of Migration’ [2014] 40(6) *Journal of Ethnic and Migration Studies* 865.

impacts of migration. The present study focuses specifically on the protection and assistance (i.e. the humanitarian) part of this migration governance.

UNHCR and IOM are the two principal international organisations that seek to provide such large-scale protection and assistance to non-citizens.<sup>29</sup> Hence, the present study centres on these two actors in the international governance of migration: the first case study focuses on UNHCR, while IOM is the subject of the second case study.

UNHCR and IOM differ in many respects – most prominently in their mandate (see also Chapter 3). UNHCR is the only international organisation focused on refugees that has been equipped with an explicit protection mandate by the UN.<sup>30</sup> IOM, on the other hand, has a broad mandate to manage migration in a “humane and orderly” manner (which includes the self-assigned task to contribute to the protection of migrants).<sup>31</sup> Yet, despite their different mandates, the humanitarian (i.e. the protection and assistance) efforts by UNHCR and IOM on the ground are somewhat similar.<sup>32</sup>

As humanitarian agencies (which, as just indicated, is only a part of the work of the two organisations), both UNHCR and IOM contribute to the three main roles of the United Nations (UN) in humanitarian contexts: 1) to advocate for humanitarian principles and standards, 2) to coordinate humanitarian efforts and 3) to provide services on the ground.<sup>33</sup> The present study focuses on the last one of these three main roles: the provision of services on the ground. This is what this study understands as *field-level* policy practice: not the policies, advocacy or coordination at headquarters or regional level, but the provision of services on the basis of locally designed and implemented policies in a specific country context.<sup>34</sup>

One way in which the two organisations provide services on the ground is through their basic assistance policies. As Section 1.7.5 outlines, this study understands basic assistance policies as policies that seek to provide the very basis of what human beings need to survive and relieve suffering (e.g. food, shelter and health care).<sup>35</sup> These basic assistance policies usually rely upon some form of selection mechanism in which

<sup>29</sup> Compare, e.g., Oleg Korneev, ‘Self-Legitimation through Knowledge Production Partnerships: International Organisation for Migration in Central Asia [2018] 44(10) Journal of Ethnic and Migration Studies 1673.

<sup>30</sup> Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford University Press 2001) 349.

<sup>31</sup> IOM’s “Strategic Focus” even includes an explicit commitment to enhance “the effective respect for the human rights of migrants in accordance with international law” as well as “to provide migration services [...] as appropriate and as relates to the needs of individuals, thereby contributing to their protection”. IOM, ‘Mission’, <[www.iom.int/mission](http://www.iom.int/mission)> accessed 25 December 2019.

<sup>32</sup> UNHCR and IOM are currently (in 2020) complete and equal partners in two humanitarian operations: Bangladesh and Venezuela. The task division between the two organisations in other humanitarian operations differs per country.

<sup>33</sup> Elizabeth Ferris, *The Politics of Protection: The Limits of Humanitarian Action* (Brookings Institution Press 2011) 91. This study understands ‘humanitarian contexts’ as the contexts in which UN agencies and other international actors provide large-scale assistance to persons in need due to e.g. a natural disaster, war or another type of emergency that cannot be handled alone by the country in which the persons in need are located. The terms ‘service’ and ‘assistance’ are used interchangeably in this study.

<sup>34</sup> The terms ‘field-level’ and ‘on the ground’ are used interchangeably in this study.

<sup>35</sup> Food, shelter and health care are the types of assistance that are usually prioritised as ‘essential’ in humanitarian operations.

individual persons are categorised and classified according to their perceived eligibility.<sup>36</sup> To do so, both organisations under scrutiny in this study commonly rely on so-called ‘vulnerability assessments’.<sup>37</sup> Due to this explicit attempt to identify and assist vulnerable non-citizens, these vulnerability assessments provide intriguing cases for an analysis of whether and to what extent such a vulnerability focus in basic assistance policies does and can have any transformative potential for the realisation of universal human rights.

#### 1.4. SOCIOLOGY OF HUMAN RIGHTS

The present study views human rights as broad, socially embedded phenomena whose realisation not only depends on their legal function and content but also, and possibly even more crucially, on their practical implementation by a diverse range of actors.<sup>38</sup> The study is based on the assumption that, rather than focusing on the end of the path to human rights realisation (court adjudication), a focus on the practical beginning of this path (policy implementation) can improve the realisation of universal human rights.<sup>39</sup> This is not a new approach, nor is this study the first to follow this path. Since the 1993 Vienna Declaration and Programme of Action, a substantial body of human rights research and practice has increasingly focused on “the actual implementation of human rights” and has shifted “away from the nation-state and towards the role of other actors in the realisation of rights”.<sup>40</sup>

This concern about human rights implementation is central to the sociology of human rights, i.e. the study of “the broader societal preconditions for human rights protection”.<sup>41</sup> A sociological understanding of human rights views human rights “as more than legal norms discerned by judges trained in legal reasoning”, namely

<sup>36</sup> Compare, e.g., Maya Janmyr and Lama Mourad, ‘Modes of Ordering: Labelling, Classification and Categorization in Lebanon’s Refugee Response’ [2018] 31(4) *Journal of Refugee Studies* 1–22. See also Michael Lipsky, *Street-level Bureaucracy: Dilemmas of the Individual in Public Services*, (Russell Sage Foundation 1980/2010) 59; Joël Glasman, ‘Seeing like a Refugee Agency: A Short History of UNHCR Classifications in Central Africa (1961–2015)’ [2017] 30(2) *Journal of Refugee Studies* 354.

<sup>37</sup> Flegar (2018).

<sup>38</sup> Barbara Oomen, ‘Global Governance, Human Rights and Humanitarianism’ in Robert Kloosterman, Virginie Mamadouh and Pieter Terhorst (eds.), *Handbook on the Geographies of Globalization* (Edward Elgar 2018), 368.

<sup>39</sup> Other authors already focused on the court litigation aspect. Compare, e.g., Morawa (2003); Chapman and Carbonetti (2011); Peroni and Timmer (2013); Alexandra Timmer, ‘A Quiet Revolution: Vulnerability in the European Court of Human Rights’ in: Fineman and Grear (2013) 147–170; Sijniensky (2013); da Lomba (2014); Brandl and Czech (2015); Flegar (2016); Ingrid Nifosi-Sutton, *The Protection of Vulnerable Groups under International Law* (Routledge 2017).

<sup>40</sup> Barbara Oomen and Moritz Baumgärtel, ‘Human Rights Cities’ in Anja Mihr and Mark Gibney (eds.), *The SAGE Handbook of Human Rights* (Sage Publications 2014), 711–712. On the role of international organisations and, specifically, UN agencies, compare World Conference on Human Rights, ‘Vienna Declaration and Programme of Action’ (12 July 1993) UN Doc A/CONF.157/23 para 13 and annex A.

<sup>41</sup> Mikael Madsen and Gert Verschraegen, ‘Making Human Rights Intelligible: An Introduction to a Sociology of Human Rights’ in Mikael Madsen and Gert Verschraegen (eds.), *Making Human Rights Intelligible: Towards a Sociology of Human Rights* (Hart 2013) 10–11.

as principles that “must become institutionalised socially and become embedded in people’s mindsets as well as in the day-to-day workings of societal institutions”.<sup>42</sup> This means that the “law is sociologically broadened to an institution that also includes an entire range of practices, actors, and agencies at various levels of analysis”.<sup>43</sup> In light of this sociological understanding of human rights, the study does not focus on any specific human right as enshrined in international human rights law.

Instead, the study concentrates on the transformative potential of a vulnerability focus for the broad human rights principle of substantive equality beyond the realm of legal doctrine: in the field-level design and implementation of basic assistance policies for non-citizens. Coincidentally, even the focus on vulnerability in normative human rights theory itself can be traced back to a sociological inquiry into human rights: Bryan Turner, a sociologist, proposed the vulnerability notion in an “attempt[] to provide a sociological alternative to enlightenment theories of social contract and individual rights”.<sup>44</sup> From his point of view, “rights are social claims for institutionalised protection” that are grounded in the frailty and suffering that all humans share due to their embodied existence.<sup>45</sup> Martha Fineman and other legal theorists and human rights scholars picked up on this vulnerability notion only a few years later.<sup>46</sup>

Yet, although this study as a whole seeks to contribute to the sociology of human rights, the research project remains an interdisciplinary endeavour. As such, the study also relies on literature from other fields (most notably public administration, International Relations and social work). Moreover, unlike what is commonly the case in sociological inquiries, the recipients of basic assistance are not the direct focus of this study. Instead, the study focuses on basic assistance providers, the policies they design and implement and the organisations within which they operate. This focus on structures rather than agents further underlines this study’s orientation towards public administration and International Relations.

The disciplinary lines in this study remain somewhat blurred due to the research aspiration to seek the common ground between hitherto unconnected approaches to vulnerability: vulnerability as a normative notion in human rights theory and a vulnerability focus in basic assistance policies. Bridging several different worlds remains challenging and potentially complex. This study hopes to underline the added value of such an attempt – both for carving out new research avenues and for inspiring social change.

## 1.5. EPISTEMOLOGY OF CRITICAL PRAGMATISM

The research problem outlined above can be investigated from a diverse range of perspectives. Any such perspective influences a research project in a variety of ways – by

<sup>42</sup> Madsen and Verschraegen (2013) 8.

<sup>43</sup> Mathieu Deflem, *Sociology of Law: Visions of a Scholarly Tradition* (Cambridge University Press 2008) 275.

<sup>44</sup> Bryan Turner, ‘Outline of a Theory of Human Rights’ [1993] 27(3) *Sociology* 489. Compare also Turner (2006).

<sup>45</sup> Turner (1993) 489.

<sup>46</sup> Compare Fineman (2008) 13 citing Turner (2006).

shaping, for instance, how a research problem is defined and identified and what methods are considered appropriate for researching this problem. For this reason, this section clarifies the perspective that underlies the present study: the epistemological standpoint of critical pragmatism.

Critical pragmatism is understood as “an updated progressive version of pragmatism capable of critically assessing the shortcomings of liberal democracy and the global consumer capitalist spirit typical of the current times”.<sup>47</sup> In adopting a critical-pragmatist lens, the study seeks to engage in empirically informed rather than merely normative critique of the policies under scrutiny.<sup>48</sup> Four central premises of critical pragmatism underlie this study: 1) reality is understood as socially constructed, 2) social structure and organisation are thought of as emerging (rather than simply existing), 3) knowledge is understood as situated in the social context and 4) the malleability of social reality is understood as providing the philosophical foundation for critique and social reform.<sup>49</sup>

Critical and pragmatist approaches to research are complementary: pragmatism “produce[s] fine-grained explorations of the way in which a particular reality has been constructed” while “[c]ritical approaches aim to focus more explicitly on the dynamics of power, knowledge, and ideology that surround social practices”.<sup>50</sup> The boundary between both approaches is often merely “a matter of degree” since pragmatist studies can be sensitive to structural issues while critical studies can also pay attention to the social construction which underlie the structural phenomena.<sup>51</sup>

In the present study, adopting a critical-pragmatist lens means that the study combines normative evaluation and empirical exploration: it focuses on the normative desirability of practical solutions while simultaneously questioning the feasibility of normative theory in light of practical constraints. This is reflected in the combination of the study’s practical and theoretical research aims outlined in Section 1.6 below.

## 1.6. RESEARCH APPROACH

### 1.6.1. RESEARCH AIM AND CENTRAL QUESTION

The study investigates the transformative potential of a vulnerability focus in basic assistance policies through two case studies.<sup>52</sup> These case studies explore the content and context of the respective vulnerability-focused basic assistance policies in light of

<sup>47</sup> Phillip Vannini, ‘Critical Pragmatism’ in Lisa Given (ed.), *SAGE Encyclopedia of Qualitative Research Methods* (Sage Publications 2008), 160–162.

<sup>48</sup> Marlei Pozzebon, ‘Conducting and Evaluating Critical Interpretive Research: Examining Criteria as a Key Component in Building a Research Tradition’ in Bonnie Kaplan, et al (eds.), *Information Systems Research* (Springer 2004) 280.

<sup>49</sup> Vannini (2008) 160–162.

<sup>50</sup> Pozzebon (2004) 278.

<sup>51</sup> Pozzebon (2004) 278.

<sup>52</sup> The selection rationale for these two case studies is outlined in Chapter 4.

two dimensions of the vulnerability notion's transformative potential: 1) the potential to mitigate stigmatisation and stereotyping and 2) the potential to facilitate socio-economic participation.<sup>53</sup> The study identifies several procedural and substantive administrative dilemmas as well as a number of contextual constraints as crucial for understanding this transformative potential.<sup>54</sup>

This research seeks to make a practical and a theoretical contribution to understanding the transformative potential of a vulnerability focus for substantive equality and, therefore, for the realisation of universal human rights. At the practical level, the study evaluates the normative desirability of how vulnerability is assessed and addressed in the field-level policy practice of UNHCR and IOM in Khartoum, Sudan. At the theoretical level, the study reflects upon the practical feasibility of realising the vulnerability notion's alleged transformative potential through specific vulnerability-focused basic assistance policies. The main question guiding this research is therefore the following:

How can the vulnerability focus in basic assistance policies by UNHCR and IOM in Khartoum (Sudan) contribute to the vulnerability notion's alleged transformative potential for the realisation of universal human rights?

This main research question is broken down into two sub-questions:

- How *do* the policy practices in the two case studies contribute to the realisation of the two dimensions of the vulnerability notion's transformative potential? This question is evaluative and focuses on the procedural and substantive administrative dilemmas that play a role in the vulnerability assessment process in each case study.<sup>55</sup>
- To what extent *can* the policy practices in the two case studies contribute to the realisation of the two dimensions of the vulnerability notion's transformative potential? This question is explanatory and focuses on the contextual constraints that appear to influence the choices regarding the different procedural and substantive administrative dilemmas that play a role in each case study.<sup>56</sup>

This is a quest for meaning rather than for quantifiable facts. The study seeks to deepen, diversify and contextualise the vulnerability notion. This inevitably remains a task with unfinished and challengeable findings since dilemmas, preferences,

<sup>53</sup> See also Chapter 2.

<sup>54</sup> See Section 1.7.7 for this study's understanding of administrative dilemmas and contextual constraints. Chapter 3 explains the role, significance and meaning of each administrative dilemma and contextual constraint in more depth.

<sup>55</sup> On research objectives compare, e.g., Herve Tijssen, *De juridische dissertatie onder de loep: de verantwoording van methodologische keuzes in juridische dissertaties* (Boom Juridische uitgevers 2009) 58–59. This study's understanding of administrative dilemmas is outlined below (Section 1.7) and in Chapter 3.

<sup>56</sup> On research objectives compare, e.g. Tijssen (200) 58–59. What this study understands as contextual constraints is outlined below (Section 1.7) and in Chapter 3.



choices and constraints may continuously change as circumstances evolve. Hence, the study does not pretend to excavate all the different influences and issues at play. Instead, it seeks to set the scene and to propose a first reference point for a normatively desirable and practically feasible vulnerability focus in basic assistance policies.

Some research exists on the vulnerability notion, on the internal workings of international organisations and on the basic assistance provision to non-citizens.<sup>57</sup> However, not much is known about the combination of these three topics and, more specifically, about the vulnerability-focused, field-level basic assistance policies for non-citizens by international organisations like UNHCR and IOM. For this reason, the study adopted an exploratory approach which means that, initially, the data collection and analysis did not have a clear or very specific focus but merely a broad research interest in the use of vulnerability in basic assistance policies.<sup>58</sup> The most specific starting points for this exploration were the two bodies of literature on vulnerability mentioned in Section 1.1: the normative literature on the alleged transformative potential of vulnerability and the empirically informed literature on how vulnerability is employed for a diverse range of objectives in specific policies that could potentially contradict any alleged transformative potential.

### 1.6.2. DATA COLLECTION AND ANALYSIS

This section provides a short summary of the study's methods of data collection and analysis.<sup>59</sup> The first case study adopted an exploratory approach. Data was collected through desk research and five months of part-time participant observation and semi-structured interviews with basic assistance providers (i.e. persons directly involved in the design and/or implementation of the field-level policy in this respect) at UNHCR in Khartoum, Sudan. The second case study was sequential to the first one and based on propositions from the first case study's findings.<sup>60</sup> Data for the second case study was collected on the basis of desk research and three weeks of full-time participant observation and subsequent semi-structured interviews with basic assistance providers at IOM in Khartoum, Sudan.

This sequential approach to the two case studies was adopted since, as humanitarian agencies, UNHCR and IOM share three main objectives. As indicated in Section 1.3, this study focuses on the third of these three objectives: the provision of services on

<sup>57</sup> Compare e.g. Section 1.1. above; Joël Oestreich, *Power and Principle: Human Rights Programming in International Organisations* (Georgetown University Press 2007); Miriam Ticktin, *Casualties of Care: Immigration and the Politics of Humanitarianism in France* (University of California Press 2011).

<sup>58</sup> Such a broad initial question is common in exploratory qualitative research. Compare, e.g., Juliet Corbin and Anselm Strauss, *Basics of Qualitative Research – Third Edition* (Sage Publications 2008) 21.

<sup>59</sup> Chapter 4 elaborates on the choices, limitations and underlying considerations of the present study's methodology and methods.

<sup>60</sup> See Section 4.3 for more details on this sequential approach.



the ground. Both organisations provide field-level basic assistance to non-citizens on the basis of vulnerability assessments. Hence, this study expected this part of the organisations' work to be at least somewhat similar. Despite the differences between the two organisations, a sequential approach therefore seemed sensible to gain insights relevant to this study's main research question. The present study did not directly compare both organisations.<sup>61</sup> Nevertheless, I assumed that at least some of the issues at play in each case would likely be similar while the perception of, and choices regarding, the different issues could either be similar or different between the two organisations. Since this was merely an initial assumption, the second case study also left room for the identification of other issues that might not have emerged during the first case study.<sup>62</sup>

The data analysis in both case studies largely relied on Corbin and Strauss' grounded theory method.<sup>63</sup> This means that the data was analysed through qualitative coding on the basis of sensitizing concepts in an attempt to develop propositions for answering the main research question. Since the possibility to develop propositions on the basis of two case studies remains limited, the study merely sought to extract tendencies that can subsequently be investigated and discussed in more depth in future research. Table 1 below summarizes this qualitative research design.

Table 1: Research Design

	Case study I: UNHCR	Case study II: IOM
<b>Epistemology</b>	Critical pragmatism	
<b>Methodology</b>	Grounded-theory-method-based sequential case studies	
<b>Focus</b>	Exploratory	Proposition-based
<b>Unit of Analysis</b>	Basic assistance policy for UNHCR beneficiaries in Khartoum between November 2017 – April 2018	Basic assistance policy for IOM beneficiaries in Khartoum in August 2018
<b>Initial Exploratory Question</b>	How is vulnerability understood in the design and implementation of each vulnerability assessment and what influences the way in which it is understood?	
<b>Method of Data Collection</b>	Desk research and five months of part-time participant observation and semi-structured interviews in Khartoum, Sudan.	Desk research and three weeks of full-time participant observation and subsequent semi-structured interviews in Khartoum, Sudan.
<b>Method of Data Analysis</b>	Corbin and Strauss' grounded theory method	

<sup>61</sup> See Section 4.5.5 for the limitations of a direct comparison of both organisations and Sections 14.1–14.2 for the similarities and differences that nevertheless emerge from the two case studies.

<sup>62</sup> Chapter 3 outlines these 'other issues'.

<sup>63</sup> Corbin and Strauss (2008) 2–4.

### 1.6.3. DELIMITATION

Any research project has to be delimited. This means that fundamental choices have to be made about what should be excluded from the project's focus. This section therefore outlines several alternative paths which this study could have taken to shed light on the transformative potential of vulnerability but which were left for future studies to explore. The section concentrates solely on the delimitation of this research project and does not include any of the limitations of this research.<sup>64</sup>

First, this study is somewhat critical about the extent to which normative theory on the notion of vulnerability takes into account what is actually feasible in policy practice. However, the study merely starts from, but does not further develop, this critique at the theoretical level. Instead, the study attempts to make a small contribution to bridging this gap between normative theory and policy practice on the basis of the two case studies.

Second, vulnerability can be understood in a variety of different ways. However, this study does not focus on how any specific conceptualisations of vulnerability are reflected in practice. Instead, the research is interested in the value of the vulnerability assessment processes in the two case studies for the two dimensions of the vulnerability notion's alleged transformative potential. While it remains important to analyse how vulnerability is understood, the present study considered it more insightful for understanding the notion's transformative potential to focus on the underlying influences (i.e. the administrative dilemmas and contextual constraints) at play in each case.<sup>65</sup>

Third, the study merely focuses on two dimensions of the vulnerability notion's alleged transformative potential: the contribution a vulnerability focus can make to the mitigation of stigmatisation and stereotyping and to facilitating socio-economic participation (see Chapter 2 for more details). Other dimensions of the vulnerability notion's transformative potential as well as any more detailed reflections upon power structures, marginalisation or more radical (feminist, post-colonial or post-modern) academic critique are beyond the scope and purposes of this study.

Fourth, as already indicated above (Section 1.4), the study does not discuss or interpret international human rights law as such (or the role of the vulnerability notion in this respect). Instead, the universality of human rights and the principle of substantive equality serve as normative-theoretical ideals and the present study assumes that their realisation is desirable.

Fifth, due to the study's interest in the influences upon the design and implementation of the two vulnerability-focused basic assistance policies, the study focuses on structures rather than agents. Hence, the study relies exclusively on basic

<sup>64</sup> This means that the section merely focuses on the study's thematic delimitation. Information on the case selection and (methodological) limitations can be found in Chapter 4.

<sup>65</sup> What this study understands as administrative dilemmas and contextual constraints is outlined below (Section 1.7) and in Chapter 3.

assistance providers as respondents and does not include beneficiaries.<sup>66</sup> Moreover, the research is not interested in microsociology or in the lifeworlds of the basic assistance providers but solely in their perspectives on the assessment, policy and organisation with which they are working.

Sixth, the two case studies focus on the *explicit* assessment of *individual* vulnerability on the basis of specific factors or categories (i.e. assessments that make explicit use of the term vulnerability/vulnerable to label individual beneficiaries as eligible for basic assistance). The study does not include any analysis of how vulnerability is identified at other levels than at the individual level (e.g. the household, community or population level).

## 1.7. TERMINOLOGY

This section briefly outlines the terminology choices regarding the key aspects of this research project.

### 1.7.1. NORMATIVE AND EMPIRICAL

The study understands ‘normative’ as being about ‘what should be’ in an ideal-theoretical sense. This means that normativity in this study is grounded in social, political and legal theory but does not include any specific legal doctrine. Hence, the normative aspect of this study lies in the alleged transformative potential that the vulnerability notion can have for substantive equality and, therefore, for the realisation of universal human rights.

The study understands ‘empirical’ as being about ‘what is or happens’ in policy practice. This means that empirical information in this study is understood as the data or findings that are collected and analysed in a specific context. Hence, the empirical aspect of the present study lies in the two case studies which rely on data derived from desk research, participant observation and qualitative interviews with basic assistance providers at UNHCR and IOM in Khartoum.

### 1.7.2. TRANSFORMATIVE POTENTIAL AND SUBSTANTIVE EQUALITY

As mentioned above (1.1), the present study understands the transformative potential of vulnerability as the potential of the notion to direct human rights towards substantive equality, i.e. towards being “located in the social context, responsive to those who

<sup>66</sup> See also Section 1.4.

are disadvantaged, demeaned, excluded, or ignored”.<sup>67</sup> The vulnerability notion’s transformative potential lies in underlining that human rights are not merely the rights of individual persons, but also entail a social component that is crucial to understand and address.<sup>68</sup>

To concretize this transformative potential, the present study relies on Fredman’s four dimensions of substantive equality. She asserts that these four dimensions are necessary prerequisites for achieving substantive equality: 1) addressing stereotypes, 2) enhancing participation, 3) redressing disadvantage and 4) accommodating differences by achieving structural change.<sup>69</sup>

Based on the findings from the empirical case studies and in light of the literature on the alleged transformative potential of vulnerability, the study chose to focus on two of these four dimensions that are required for achieving substantive equality, namely the vulnerability notion’s transformative potential for 1) mitigating stigmatisation and stereotyping (the first dimension of substantive equality) and for 2) facilitating socio-economic participation (the second dimension of substantive equality). This does not mean that the study considers the other two dimensions to be of lesser importance but merely that they were less directly reflected in the case study findings.

### 1.7.3. VULNERABILITY

The ways in which theory, law, policy or practice rely upon, define and employ vulnerability are incredibly diverse.<sup>70</sup> This study takes as its starting point how vulnerability is understood in normative human rights theory. In this respect, authors generally consider the universality of vulnerability as crucial for the notion’s transformative potential.<sup>71</sup> These authors usually ground this universality of vulnerability in the human embodiment and the always present (or, as Fineman asserts, “constant” and “inevitable”) susceptibility to harm which all human beings share.<sup>72</sup>

Simultaneously, Fineman expands this universal notion by arguing that vulnerability not only has a universal but also a particular aspect to it since humans “are positioned differently within a web of economic and institutional relationships”.<sup>73</sup>

<sup>67</sup> Fredman (2016), 713.

<sup>68</sup> Compare, e.g., Robert Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities* (University of Chicago 1985) 191. Cited in Mackenzie (2013), 38. See also Turner (2006), 9–10; Fineman (2008), 13–14; Barbara Misztal, *The Challenges of Vulnerability: In Search for Strategies for a Less Vulnerable Social Life* (Palgrave Macmillan 2011) 15–20, 51–75; Fineman (2013), 17–19, 22–24; Mackenzie (2013), 37–39, 42.

<sup>69</sup> Fredman (2016), 712. For a critique of this approach see, e.g., Catharine MacKinnon, ‘Substantive Equality Revisited: A Reply to Sandra Fredman’ [2016] 14(3) *International Journal of Constitutional Law* 739–746. It goes beyond the scope of this study to discuss this critique in more detail.

<sup>70</sup> Compare Section 1.1 above.

<sup>71</sup> Compare e.g. Turner (2006) 9; Fineman (2013) 21; Mackenzie (2013) 37; For a reflection upon Fineman’s understanding of the vulnerability notion compare also Flegar and Iedema (2019).

<sup>72</sup> Fineman (2008) 8–9. Compare also Turner (2006) 28.

<sup>73</sup> Fineman (2008) 10.

As such, vulnerability is encountered differently by each individual human being depending on the amount and nature of the assets a person retains or controls.<sup>74</sup> This forces humans into dependency on internal as well as external circumstances (such circumstances could, for instance, be related to an illness or to a natural disaster).<sup>75</sup> This is why vulnerability is not only understood as related to the human embodiment but also as embedded in the social context in which individuals find themselves.<sup>76</sup> It is this understanding of vulnerability as embodied *and* embedded on which the present study primarily builds.

The study refers to vulnerability in a variety of different ways depending on whether the notion is dealt with in the normative-theoretical or empirical context. Terms like ‘vulnerability’ and ‘vulnerability focus’ are used as overall references to depict any aspect or understanding of vulnerability – normative-theoretical or empirical. The terms ‘notion of vulnerability’ and ‘vulnerability approach’ refer specifically to the normative-theoretical understanding(s) of vulnerability. The terms ‘vulnerability-focused’ and ‘vulnerability assessment’ are used in the empirical sections to refer to the use of vulnerability in specific policies and, especially when discussing how vulnerability is assessed and addressed with regard to basic assistance.

#### 1.7.4. MIGRATION CONTEXT, NON-CITIZENS AND POTENTIAL BENEFICIARIES

This study understands ‘migration context’ as the physical, legal and/or policy space in which non-citizens find themselves and in which a large variety of different (governmental as well as non-governmental) actors engage with, restrict or assist these non-citizens. The present study does not cover internally displaced persons (IDPs).

The terms ‘migrant’ and ‘non-citizen’ are used interchangeably in this study and refer to anyone who has been or intends to be outside their country of nationality for a period of at least one year – regardless of the reasons for this move abroad.<sup>77</sup> Research indicates that refugees and other migrants often have similar motives.<sup>78</sup> Hence, this

<sup>74</sup> Fineman (2008) 10.

<sup>75</sup> Fineman (2008) 9–10.

<sup>76</sup> Compare, e.g., Goodin (1985) 191. Cited in Mackenzie (2013), 38. See also Turner (2006), 9–10; Fineman (2008), 13–14; Misztal, (2011) 15–20, 51–75; Fineman (2013), 17–19, 22–24; Mackenzie (2013), 37–39, 42.

<sup>77</sup> This is in line with the UN Statistics Division, *Recommendations on Statistics of International Migration (1979) – Revision 1* (United Nations 1998) UN Doc ST/ESA/STAT/SER.M/58/Rev.1. Unless clearly indicated otherwise, ‘citizenship’ and ‘nationality’ are taken as synonyms for the legal status of being the citizen/national of a specific country. This should not be confused with the term ‘social citizenship’ (compare Chapter 14) which, in this study, refers to the social participation in a political community regardless of legal status. Although there might be a slight nuance between the terms ‘country of nationality’ and ‘country of origin’, both terms are used interchangeably in this study.

<sup>78</sup> Katy Long, ‘When Refugees Stopped Being Migrants: Movement, Labour and Humanitarian Protection’ [2013] 1(1) *Migration Studies* 4, Compare also, e.g., Jackie Pollock, ‘What’s in a Label?’ [2011] 37 *Forced Migration Review* 46–47; Marta Erdal and Ceri Oeppen, ‘Forced to Leave? The

study views asylum seekers and refugees, while having distinct protection claims under international law, as *also* being migrants.<sup>79</sup> This is important to note since UNHCR and IOM have a slightly different understanding of the comprehensiveness of the term migrant: UNHCR views refugees and asylum-seekers as different from migrants while IOM considers refugees and asylum-seekers as *also* being migrants. This reflects a general turf battle between UNHCR and IOM and underlines the politicised nature of this terminology.<sup>80</sup> The study intends to refer to refugees or asylum seekers as separate from other migrants to the extent to which UNHCR or IOM do so in the respective case studies. This means that the distinction between the different terms throughout this study can sometimes appear blurred. However, the study generally adheres to the above understanding that refugees and asylum seekers are also migrants.

In addition, the study speaks of ‘potential beneficiaries’ as anyone who *applies* for basic assistance at either UNHCR or IOM and of ‘beneficiaries’ as anyone who is *considered eligible* to receive such assistance. This terminology is not uncontested and some suggest speaking of ‘clients’, ‘consumers’ or ‘stakeholders’ instead.<sup>81</sup> However, all of these terms have their advantages and disadvantages.<sup>82</sup> Hence, to remain consistent and to not prefer one organisation’s terminology above the other (IOM refers to their target population as ‘clients’ while UNHCR speaks of ‘persons of concern’), this study relies on the term that is still most prominent throughout the literature: ‘beneficiary’.

#### 1.7.5. BASIC ASSISTANCE POLICIES, BASIC ASSISTANCE PROVIDERS AND POLICY IMPLEMENTERS

This study focuses on basic assistance policies. The study understands ‘basic assistance policies’ as policies by international organisations that seek to provide the very basis of what human beings need to survive and to relieve suffering (e.g. food, shelter and health care). The central goal of these policies is usually to mitigate material deprivation and/or protection risks. Basic assistance policies, as defined in this study, can focus on the

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Discursive and Analytical Significance of Describing Migration as Forced and Voluntary’ [2018] 44(6) *Journal of Ethnic and Migration Studies* 981–998; Flegar (2018).

<sup>79</sup> On the basic definition of a refugee see Convention Relating to the Status of Refugees (adopted 28 July 1951), UN Treaty Series, vol. 189, p. 137, art 1(A)2. For a discussion of this definition see, for instance, Guy Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (Oxford University Press 2007).

<sup>80</sup> Jørgen Carling, ‘Refugees are also Migrants. All Migrants Matter’, <<https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2015/09/refugees-are-also>> accessed 26 December 2019.

<sup>81</sup> See, e.g., The Guardian ‘In International Aid, People Should be Seen as Consumers not ‘Beneficiaries’ <<https://www.theguardian.com/global-development-professionals-network/2015/may/13/international-aid-consumers-beneficiaries>> accessed 30 December 2019.

<sup>82</sup> See, e.g., Renee Ho, ‘Do You Still Use the Word “Beneficiary”?’ <<https://feedbacklabs.org/blog/do-you-still-use-the-word-beneficiary/>> accessed 30 December 2019.

provision of such support in financial, in-kind or non-material form.<sup>83</sup> Depending on each organisation's understanding of basic assistance, these policies can involve short-term relief as well as attempts to work towards structural change. The terms 'assistance' and 'service' are used interchangeably in this study to indicate the provision of support to beneficiaries.

'Basic assistance providers' are defined as the persons involved in the field-level design and implementation of the vulnerability-focused basic assistance policies in the two case studies. 'Field-level' in this study refers to the provision of services on the basis of locally designed and implemented policies in a specific country context (instead of the policies, advocacy or coordination at headquarters or regional level). This definition involves policy implementers as well as their direct managers. Although the study primarily focuses on policy implementers, their direct managers are relevant because they designed and can amend the vulnerability assessments and coordinate the policy implementers' work.

The study refers to 'policy implementers' as the persons who are directly involved in applying and interpreting the vulnerability assessment as part of the implementation of the respective basic assistance policy (i.e. case workers and, in the case of UNHCR, also members of the Internal Review Committee). These policy implementers are the first gatekeepers in the provision of basic assistance and therefore constitute important potential contributors to the realisation of human rights on the ground.<sup>84</sup>

#### 1.7.6. POLICY PRACTICE, VULNERABILITY ASSESSMENT PROCESS AND POLICY DESIGN AND IMPLEMENTATION

The study analyses the value of a vulnerability focus in basic assistance policies for the vulnerability notion's alleged transformative potential for substantive equality. In this context, the terms 'policy practice' and 'vulnerability assessment process' refer to the field-level design *and* implementation of the vulnerability-focused basic assistance policies.<sup>85</sup> This includes not only what is written on paper or observed in the specific case but also covers the preferences, choices and perceptions expressed by respondents with regard to their vulnerability-assessment-related work.

The vulnerability assessments in the two case studies are the policy instruments on the basis of which each organisation determines a beneficiary's eligibility for basic assistance. Case workers use these assessments to screen potential beneficiaries and, on that basis, distinguish vulnerable from not/less vulnerable potential beneficiaries.

<sup>83</sup> In this study, 'in-kind' refers to the distribution of e.g. food, shelter or non-food items while 'non-material' means e.g. medical, psycho-social or capacity-building support.

<sup>84</sup> Compare, e.g., Albert Jan Kruiter and Jorrit de Jong, 'Providing Services to the Marginalised: Anatomy of an Access Paradox' in Jorrit de Jong and Gowher Rizvi (eds.), *The State of Access: Success and Failure of Democracies to Create Equal Opportunities* (Brookings Institution Press 2008) 168. See also Lipsky (1980–2010) xiii, 3.

<sup>85</sup> On what this study understands as field-level see Section 1.3.

Hence, in essence, vulnerability assessments in this study are understood as decision-making tools.<sup>86</sup>

The case studies distinguish between the design and the implementation of these vulnerability assessments. The term ‘design’ covers how the assessments and respective assistance provisions (were intended to) look like on paper. To analyse this design, the study uses desk research, participant observation and interviews with the persons involved in the design of the vulnerability assessments. The term ‘implementation’ covers the way in which the assessments are interpreted and experienced by policy implementers in their daily work. To analyse this implementation, the study relies on participant observation and interviews with policy implementers.

### 1.7.7. ADMINISTRATIVE DILEMMAS AND CONTEXTUAL CONSTRAINTS

As Chapter 3 outlines in more depth, the present study focuses on the administrative dilemmas and contextual constraints that appear to play a role in the vulnerability-focused provision of basic assistance at UNHCR and IOM in Khartoum.

The study defines ‘administrative dilemmas’ as the procedural and substantive design and implementation issues that basic assistance providers commonly encounter in their work with a vulnerability assessment and have an opinion on. In order to be identified as relevant for this study, an administrative dilemma had to fulfil two conditions: a) at least one respondent considers it to be relevant for the respective organisation’s basic assistance policy and b) the administrative dilemma is insightful for reflecting upon the mitigation of stigmatisation and stereotyping or the facilitation of socio-economic participation (the two dimensions of the transformative potential of vulnerability). Although each administrative dilemma in this study is (for analytical purposes) presented as a dichotomy, these dilemmas are usually sliding scales that can overlap and influence each other.<sup>87</sup>

The study defines ‘contextual constraints’ as the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy. This includes, for instance, the role of the organisation’s mandate and the circumstances of the operational environment that can hinder or facilitate the organisation’s work on the ground. In order to be identified as relevant for this study, a contextual constraint had to fulfil two conditions: a) at least one respondent considers it as relevant for the respective organisation’s basic assistance policy and b) the contextual constraint is insightful for understanding the organisation’s choices and/or the respondents’ preferences regarding the administrative dilemmas in the design and implementation of the vulnerability-focused basic assistance policy. It is important

<sup>86</sup> Compare Sections 2.3.1 and 3.1.

<sup>87</sup> See Section 3.1 and Sections 14.2.2 and 14.2.3 for more details.



to note that the contextual constraints are often interrelated and that contextual constraints and administrative dilemmas can mutually influence each other.<sup>88</sup>

## 1.8. THE STRUCTURE OF THIS BOOK

Part I of this book outlines the theoretical assumptions that emerged from and form the foundation of this study. Chapter 2 elaborates on the conflict between state sovereignty and universal human rights (2.1) and explains how the present study conceptualises the two dimensions of the transformative potential of vulnerability on which this study focuses: the mitigation of stigmatisation and stereotyping (2.2.1) and the facilitation of socio-economic participation (2.2.2). The chapter then explains how the study operationalised these two concepts in relation to the two case studies (2.3). Subsequently, Chapter 3 describes the three themes and related concepts that were developed in the two case studies. The chapter distinguishes between central elements of the vulnerability assessment itself (Theme 1; 3.2), procedural and substantive dilemmas of the vulnerability-focused basic assistance policies in the two case studies (Theme 2, 3.3) and the contextual constraints that appear relevant to the preferences and choices regarding the dilemmas in each case (Theme 3; 3.4).

Part II provides the necessary background information for the two case studies. Chapter 4 elaborates upon the methodology, methods and limitations of the empirical data collection and analysis. The chapter first highlights some methodological aspects: the choice to combine case studies and the grounded theory method, generalisability considerations and the case selection (4.1). The chapter then focuses on quality assurance and trustworthiness in this study (4.2) before outlining the data collection process and methods (4.3) as well as the grounded-theory-method-based data analysis (4.4). The chapter ends by providing an overview of the study's practical limitations and of the limitations related to the data collection and analysis (4.5). Subsequently, Chapter 5 outlines some key characteristics of the Republic of Sudan, the focus country of this study. The chapter starts with an overview of the socio-cultural, political and economic context of Sudan (5.1), highlights Sudan's relationship with the international community (5.2) and provides information on the migration situation in the country at the time of research (5.3).

Part III presents Case Study 1 which focuses on the vulnerability assessment for basic assistance at UNHCR Khartoum. This part is divided into four chapters: Chapter 6 outlines background information on UNHCR in Sudan, Chapter 7 presents the study's findings regarding the design of the vulnerability assessment at UNHCR Khartoum and Chapter 8 displays the study's findings regarding the implementation of this vulnerability assessment. Subsequently, Chapter 9 reflects upon the transformative potential of this vulnerability-focused basic assistance policy for mitigating stigmatisation and stereotyping and for facilitating socio-economic participation.

<sup>88</sup> See Section 3.1 and Sections 14.2.2 and 14.2.3 for more details.

Part IV presents Case Study 2 which focuses on the vulnerability assessments for basic assistance at IOM Khartoum. Like Case Study 1, this part is divided into four chapters: Chapter 10 outlines background information on IOM in Sudan, Chapter 11 presents the study's findings on the design of the vulnerability assessments at IOM Khartoum and Chapter 12 displays the study's findings on the implementation of these vulnerability assessments. Chapter 13 then reflects upon the transformative potential of this vulnerability-focused basic assistance policy with regard to the mitigation of stigmatisation and stereotyping and the facilitation of socio-economic participation.

Lastly, Part V (Chapter 14) seeks to answer the study's overarching research question. The chapter summarises the findings of the two case studies (14.1), reflects upon the generalisability and conceptual limitations of these findings (14.2), proposes ways in which stigmatisation and stereotyping could be mitigated and socio-economic participation could be facilitated (14.3) and highlights what the present study contributes to the theoretical debates on vulnerability (14.4) and on universal human rights (14.5) in the migration context. The chapter concludes by providing a number of recommendations for future policies and research (14.6).

PART I

NORMATIVE AND  
EMPIRICAL THEORY



Theory is central to academic research. Yet, what is meant by theory and how theory is used or even built differs depending on the purposes and perspectives of a research project. The present study uses theory in two different ways, namely: 1) by employing normative human rights theory on vulnerability as a reference framework for evaluating policy practice and 2) by relying on relevant empirical literature to analyse, structure and present the two case studies. Chapter 2 outlines the normative theory on which this study builds as well as the normative-theoretical assumptions that emerged from and form the foundation of this study's evaluative framework. Chapter 3 provides an overview of the themes and concepts that are relevant for understanding the case studies.



## CHAPTER 2

# NORMATIVE THEORY

This chapter elaborates upon the study's normative position. The arguments presented in this chapter are normative assumptions that form the starting points of this study. Hence, they are not challenged or tested in this study but form the evaluation framework for reflecting upon the transformative potential of a vulnerability focus in basic assistance policies.

The chapter starts by explaining the limits of the universal human rights ideal when it comes to non-citizens (2.1). The chapter then conceptualises the two dimensions of the vulnerability notion's transformative potential for substantive equality on which this study focuses: the potential for mitigating stigmatisation and stereotyping (2.2.1) and for facilitating socio-economic participation (2.2.2). Subsequently, the chapter outlines how these two dimensions of the vulnerability notion's transformative potential are operationalised in the two case studies (2.3). The chapter ends with some concluding remarks (2.4).

### 2.1. THE LIMITS OF THE UNIVERSAL HUMAN RIGHTS IDEAL FOR NON-CITIZENS

The previous chapter already mentioned the ambiguous relationship between universal human rights and state sovereignty.<sup>89</sup> States have effectively institutionalised this ambiguous relationship by formalising the concept of citizenship as a means of inclusion and exclusion.<sup>90</sup> Any issue in the migration context therefore essentially revolves around citizenship and reveals the tension between a state's interest in

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<sup>89</sup> See Section 1.2.

<sup>90</sup> Catherine Dauvergne, 'Irregular Migration, State Sovereignty and the Rule of Law' in Vincent Chetail and Céline Bauloz (eds.) *Research Handbook on International Law and Migration* (Edward Elgar 2014a) 79. For a discussion of the meaning and content of citizenship see, e.g., Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton University Press 2006) 4. As mentioned in Section 1.7.4., unless clearly indicated otherwise, 'citizenship' and 'nationality' are taken as synonyms for the legal status of being the citizen/national of a specific country. This should not be confused with the term 'social citizenship' (compare Chapter 14) which, in this study, refers to the social participation in a political community regardless of legal status.

protecting and controlling access to its territory and resources and the individual non-citizen's interest in being granted access, protection and assistance.<sup>91</sup>

Citizenship allows states to distinguish persons entitled to all rights from persons whose rights may be more limited. Bosniak suggests that – at least in theory – citizenship therefore entails both “universalist and exclusionary commitments”.<sup>92</sup> Citizenship is largely universal on the inside of a political community as all citizens are considered equal and entitled to the full protection of their rights.<sup>93</sup> Simultaneously, it is exclusive on the outside of the same political community as non-citizens are usually excluded to varying degrees and have to fulfil certain criteria in order to gain (partial) access to these rights. The universalist commitments consequently only apply on the inside, whereas exclusion dominates the outside of the political community.<sup>94</sup> Bosniak asserts that this system, achieved through the construction of citizenship, can only be maintained for as long as there truly exists a separation between the inside and outside.<sup>95</sup> Excluding outsiders is thus commonly seen as a necessary precondition for granting universal rights within a political community.

The extent of this exclusion varies from country to country and the considerations regarding non-citizens' access to a political community and the rights granted to non-citizens already on the inside of this political community are interrelated. Vonk, for instance, suggests that states are more inclined to grant social security rights to non-citizens already on the inside of a political community if the political climate is generally favourable to migration while they are more likely to limit such rights if the political climate is unfavourable to migration.<sup>96</sup> This is not surprising since, in order to realise human rights, limited financial and other resources have to be invested and distributed. What is perceived as an adequate distribution of these resources – and the extent to which these resources should benefit non-citizens – diverges and fluctuates based on the political and societal opinions in a specific political community at a certain point in time.

<sup>91</sup> See, e.g., Morten Kjaerum, 'Refugee Protection Between State Interests and Human Rights: Where is Europe Heading?' [2002] 24 Human Rights Quarterly 513; Catherine Dauvergne, 'Sovereignty, Migration and the Rule of Law in Global Times' [2004b] 67(4) The Modern Law Review 588–615; James Hathaway, *The Rights of Refugees under International Law* (Cambridge University Press 2005), 279; Goodwin-Gill and McAdam (2007); Galina Cornelisse, 'A New Articulation of Human Rights, or Why the European Court of Human Rights Should Think beyond Westphalian Sovereignty' in Marie-Bénédicte Dembour and Tobias Kelly (eds.), *Are Human Rights for Migrants?* (Routledge 2011), 99. Compare also Section 1.2.

<sup>92</sup> Bosniak (2006) 4.

<sup>93</sup> As mentioned in Section 1.2, this study views a 'political community' as "the national community: the community that is the product of the political association that is the state". Kukathas (2003) 180.

<sup>94</sup> Bosniak (2006) 4.

<sup>95</sup> Bosniak (2006) 4.

<sup>96</sup> Gijsbert Vonk, 'Migration, Social Security and the Law: Some European Dilemmas' [2002] 3/4 European Journal of Social Security 322, 329. See also, e.g., Daniel Chand, William Schreckhise and Marianne Bowers, 'The Dynamics of State and Local Contexts and Immigration Asylum Hearing Decisions' [2017] 27(1) Journal of Public Administration Research and Theory 182.



With these dynamics in mind, some authors suggest that it is almost impossible to adopt a state sovereignty versus human rights argument because this ultimately boils down to the sovereign “right of any State to close its borders, to determine its own community and its own identity” winning the argument.<sup>97</sup> Human rights essentially depend on the state for their implementation.<sup>98</sup> Due to this intrinsic connection between state sovereignty and human rights, Dembour argues that the access to human rights for non-citizens will always remain problematic.<sup>99</sup> She explains her argument by citing Arendt’s outlook on human rights: Arendt argues that human rights beyond citizenship rights protected by a sovereign state are an illusion since “[t]he world found nothing sacred in the abstract nakedness of being human”.<sup>100</sup> Arendt asserts that once citizenship is lost and there is no state left to enforce any rights, the rights do not exist.<sup>101</sup> She therefore suggests that, without state sovereignty, human rights cannot exist.<sup>102</sup> This indicates that human rights are, in fact, only citizen rights which cannot exist beyond the nation-state and are thus not grounded in any common humanity but in a common nationality.

Simultaneously, Arendt asserts that citizen rights *cannot* be equated with human rights because they do not arise from the human embodiment. This position is grounded in the experiences of refugees and stateless persons after World War Two. She finds that humanity did easily equate people outside of the protection regime of a state as “savages” once someone was left with nothing else but human rights. Human rights beyond the state, she asserts, thus carry the implication of something uncivilised. They remind us of the fact that we are human and are unable to control everything.<sup>103</sup> She argues that the loss of citizen rights actually coincides with becoming a human being.<sup>104</sup> Hence, human rights can only exist *beyond* citizenship. Citizen rights can therefore not be *human* rights because they contradict the humanity inherent to human rights since they are so intrinsically related to state sovereignty and citizenship rather than to a common human embodiment.

Hence, if human rights beyond the state cannot exist because they cannot be enforced yet human rights within the state (i.e. citizen rights) can also not exist because they are not grounded in our human nature, then what exactly are we left with? Some of Arendt’s critiques have found that her arguments are tautological, that she “reads into modern rights declarations an original failure that will lead them to an inevitable

<sup>97</sup> Dauvergne (2004a) 90.

<sup>98</sup> On the role of the state see, e.g., Charles Beitz, *The Idea of Human Rights* (Oxford University Press 2009) 14–47; Beth Simmons, *Mobilizing for Human Rights* (Cambridge University Press 2009) 3–22. However, as this study also shows, other social and societal actors (e.g. international organisations, non-governmental organisations, communities) might fill some of the gaps. Compare Chapter 14.

<sup>99</sup> Marie-Bénédicte Dembour and Tobias Kelly, ‘Introduction’ in Dembour and Kelly (2011) 6.

<sup>100</sup> Hannah Arendt, *The Origins of Totalitarianism* (Meridian Books – The World Publishing Company 1958) 299. Cited in Dembour and Kelly (2011) 6.

<sup>101</sup> Arendt (1958) 299.

<sup>102</sup> Compare Arendt (1958) 299–302.

<sup>103</sup> Arendt (1958) 299–301.

<sup>104</sup> Arendt (1958) 302.

doom” and that she “paralyzes our political imagination”.<sup>105</sup> Yet, Gündoğdu argues that Arendt’s criticism is not aiming to abolish human rights but rather to reconceptualise them.<sup>106</sup> With this in mind, a contemporary reading of Arendt suggests that if human rights can be grounded in the human condition – rather than in citizenship – and if human rights can be conceptualised globally – rather than depending on the sovereign state – then it might be possible to achieve a truly universal human rights regime.

Against this background and in light of the fact that the transformative potential of vulnerability is said to contribute to the realisation of human rights by underscoring the ‘human’, rather than the ‘rights’, aspect of the human rights paradigm, the question arises whether vulnerability can indeed play any role in this dilemma between state sovereignty and universal human rights.<sup>107</sup> To conceptualise this broad normative question, the study relies on two dimensions of the vulnerability notion’s transformative potential for substantive equality and thus for the realisation of the human rights of the most disadvantaged, marginalised and excluded human beings: the potential to mitigate stigmatisation and stereotyping and the potential to facilitate socio-economic participation. The next section elaborates upon the present study’s understanding of these two dimensions of the vulnerability notion’s transformative potential.

## 2.2. CONCEPTUALISING THE TRANSFORMATIVE POTENTIAL OF THE VULNERABILITY NOTION FOR SUBSTANTIVE EQUALITY

The often incomplete realisation of the human rights of non-citizens contradicts the broad, but well-established, principle of substantive equality that “the right to equality should be responsive to those who are disadvantaged, demeaned, excluded, or ignored”.<sup>108</sup> This principle of substantive equality is fundamental to the mitigation of discrimination and marginalisation and therefore for bringing the universal nature of human rights closer to its realisation.

What exactly is meant by substantive equality? Fredman’s conceptualisation of substantive equality is particularly clear and therefore underlies the normative evaluative framework of this study. She distinguishes between four dimensions of substantive equality. All four dimensions are necessary for the realisation of substantive equality: 1) addressing stereotypes, 2) enhancing participation, 3) redressing disadvantage and 4) accommodating differences by achieving structural change.<sup>109</sup>

<sup>105</sup> Ayten Gündoğdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford University Press 2015), 28.

<sup>106</sup> Gündoğdu, (2015) 54, 28.

<sup>107</sup> Fineman (2013) 13.

<sup>108</sup> Fredman (2016) 713.

<sup>109</sup> Fredman (2016), 712.

Normative-theoretical literature on human rights suggests that the notion of vulnerability can contribute to several of these dimensions of substantive equality.<sup>110</sup> This is ‘transformative’ because it can facilitate directing human rights towards serving the worst-off members, and non-members, of human societies.<sup>111</sup> Proponents of this transformative potential of vulnerability argue that the vulnerability notion focuses on humans as embodied and socially embedded and therefore underlines the ‘human’, rather than the ‘rights’, part of the human rights paradigm.<sup>112</sup> This means that vulnerability is said to divert attention from traditional categorisations on the basis of identity characteristics (like gender or race) and emphasises the role of social and societal structures for the realisation of substantive equality.<sup>113</sup>

Based on my interpretation of human rights-related literature on vulnerability and my findings on how vulnerability is assessed and addressed in the two case studies, I identified two dimensions of the vulnerability notion’s transformative potential that appear particularly promising for two of the four abovementioned dimensions of substantive equality: 1) vulnerability’s potential contribution to the mitigation of stigmatisation and stereotyping (the first dimension) and 2) vulnerability’s potential contribution to facilitating socio-economic participation (the second dimension). The study focuses on these two dimensions of the vulnerability notion’s transformative potential because they are not only emphasised by vulnerability scholars but have also been identified as crucial dimensions of substantive equality. Moreover, both aspects emerge as being of particular concern to basic assistance providers in the two case studies and as most promising starting points for contributing to the realisation of the human rights of non-citizens. The next sections elaborate upon why these two aspects are important and how they are understood in the present study.

### 2.2.1. MITIGATING STIGMATISATION AND STEREOTYPING

The first transformative potential on which this study relies is the contribution that a vulnerability focus can make to the mitigation of stigmatisation and stereotyping.<sup>114</sup> This is based on the argument that the understanding of vulnerability as universal can transcend the stigmatisation and stereotyping that arises from the categorisation of marginalised and/or disadvantaged individuals into different groups (e.g. women, disabled persons or ethnic minorities). Such distinctions into different groups can contribute to stigmatisation because they tend to neglect and oversimplify the

<sup>110</sup> Compare, e.g., Turner (2006); Fineman (2008); Fineman and Gear (2013); Peroni and Timmer (2013); Sijniensky (2013); da Lomba (2014); Brandl and Czech (2015); Flegar (2016); Flegar and Veys (2017); Flegar and Iedema (2019).

<sup>111</sup> Fredman (2016) 713. Compare also Fineman (2008); Fineman (2013); Mackenzie (2013) 34–37.

<sup>112</sup> Fineman (2013) 13. Compare also, e.g., Timmer (2013) 170; Turner (2006); Mackenzie (2013) 37.

<sup>113</sup> Fineman (2008) 1.

<sup>114</sup> This study focuses on the mitigation of stereotyping as a general process and not on the mitigation of any specific stereotypes.

contextuality and diverse circumstances or abilities of the persons grouped into any such category.<sup>115</sup> Moreover, these distinctions are considered to contribute to stereotyping because they can be over- as well as under-inclusive.<sup>116</sup> They are likely to be over-inclusive because they mask the differences between the individuals within any such group.<sup>117</sup> Simultaneously, such categorisations are under-inclusive because any indication that a specific group differs significantly from other persons conceals the ways in which the members of this group might be similar to these other persons.<sup>118</sup>

Previous authors suggest that the recognition of the universality of vulnerability can mitigate such stigmatisation and stereotyping.<sup>119</sup> They argue that this is the case because, in being understood as universal, the vulnerability notion emphasises the commonality and shared experiences of human suffering.<sup>120</sup> The universality argument is usually grounded in the human embodiment and in the always present susceptibility to harm which all human beings share.<sup>121</sup> This understanding of vulnerability is said to redirect discussions of discrimination and marginalisation from group-based categorisations into the direction of mutual dependencies and universal suffering instead.<sup>122</sup> In focusing on human commonalities, the vulnerability notion is therefore thought to transcend the conceptualisation of marginalised, disadvantaged or excluded individuals as distinct from other members of society.<sup>123</sup>

This is important for substantive equality because stigmatisation and stereotyping can influence how we perceive ourselves. Our perception of self depends on our interaction with others.<sup>124</sup> As Anderson and Honneth assert, “[o]ne’s relationship to oneself [...] is not a matter of a solitary ego reflecting on itself, but is the result of an ongoing intersubjective process, in which one’s attitude toward oneself emerges in one’s encounter with an other’s attitude toward oneself”.<sup>125</sup> As human beings, we want to be recognised for who we are (or, at least, for how we perceive ourselves).<sup>126</sup> The denial of such personal recognition through stigmatisation or stereotyping negatively affects a person’s sense of self and can impair that person’s agency and ability to act.<sup>127</sup> It damages “persons in their positive understanding of self”.<sup>128</sup> According to Taylor, this “can be

<sup>115</sup> Fineman (2013) 14.

<sup>116</sup> Fineman (2013), 16. Compare also Peroni and Timmer (2013).

<sup>117</sup> Fineman (2013) 16.

<sup>118</sup> Fineman (2013) 16.

<sup>119</sup> Fineman (2013) 17.

<sup>120</sup> Fineman (2013) 17.

<sup>121</sup> See, e.g., Turner (2006) 28; Fineman (2008) 8–9; Mackenzie (2013) 36. Compare also Section 1.7.3.

<sup>122</sup> Fineman (2013) 17.

<sup>123</sup> Fineman (2013) 14.

<sup>124</sup> Fredman (2016), 731.

<sup>125</sup> Joel Anderson and Axel Honneth, ‘Autonomy, Vulnerability, Recognition and Justice’ in John Christman and Joel Anderson (eds.), *Autonomy and the Challenges to Liberalism* (Cambridge University Press 2004) 131.

<sup>126</sup> See, generally, recognition theory. Compare, e.g., Nancy Fraser and Axel Honneth, *Redistribution or Recognition? – A Political-Philosophical Exchange* (Verso 2003).

<sup>127</sup> Anderson and Honneth (2004) 131.

<sup>128</sup> Axel Honneth, ‘Integrity and Disrespect: Principles of a Conception of Morality Based on the Theory of Recognition’ [1992] 20(2) *Political Theory* 188–189. Cited in Fraser and Honneth (2003) 28–29.

a form of oppression, imprisoning someone in a false, distorted, reduced, mode of being".<sup>129</sup> This is not merely an issue of "simple lack of respect" but "can inflict a grievous wound, saddling people with crippling self-hatred".<sup>130</sup> Hence, "[d]ue recognition is not just a courtesy but a vital human need".<sup>131</sup> As Fraser summarises, "[t]o deny someone recognition is to deprive her or him of a basic prerequisite for human flourishing".<sup>132</sup> Our perception of self thus influences our personal resilience to adversity, which is why stigmatisation and stereotyping can aggravate marginalisation and exclusion.<sup>133</sup>

Additionally, Fraser conceives of misrecognition as an issue of justice: "it is unjust that some individuals and groups are denied the status of full partners in social interaction simply as a consequence of institutionalized patterns of cultural value in whose construction they have not equally participated and which disparage their distinctive characteristics or the distinctive characteristics assigned to them".<sup>134</sup> Thus, she argues that misrecognition arises if "institutionalized patterns of cultural value constitute some actors as inferior, excluded, wholly other, or simply invisible, hence as less than full partners in social interaction".<sup>135</sup> Addressing, or at least mitigating, stigmatisation and stereotyping in institutionalised interactions between human beings is thus of paramount importance for substantive equality and therefore for the realisation of universal human rights.

## 2.2.2. FACILITATING SOCIO-ECONOMIC PARTICIPATION

The second transformative potential on which this study relies is the contribution the vulnerability notion can allegedly make to facilitating socio-economic participation. This transformative potential is grounded in the argument that the vulnerability notion emphasises the social nature of human beings and views them as embedded in a web of diverse social relationships that can aggravate or mitigate a person's vulnerability.<sup>136</sup> As such, the notion underlines that human beings "are sometimes autonomous, sometimes dependent; sometimes help others and sometimes need help themselves".<sup>137</sup> In recognising this, vulnerability emphasises that "dependency is a precondition of the autonomous life".<sup>138</sup>

In so doing, the vulnerability notion is said to direct attention towards the social and societal institutions that create layered possibilities for support and thereby "provide

<sup>129</sup> Charles Taylor, 'The Politics of Recognition' in Amy Gutman (ed.) *Multiculturalism and the Politics of Recognition* (Princeton University Press 1994) 25–27. Cited in Fraser and Honneth (2003) 28–29.

<sup>130</sup> Taylor (1994) 25. Cited in Fraser and Honneth (2003) 28–29.

<sup>131</sup> Taylor (1994) 25. Cited in Fraser and Honneth (2003) 28–29.

<sup>132</sup> Fraser and Honneth (2003) 28–29.

<sup>133</sup> Fredman (2016), 713.

<sup>134</sup> Fraser and Honneth (2003) 28–29.

<sup>135</sup> Fraser and Honneth (2003) 28–29.

<sup>136</sup> Fineman (2013); Mackenzie (2013) 36–39; Misztal (2011) 58.

<sup>137</sup> Misztal (2011) 58.

<sup>138</sup> Misztal (2011) 58.

individuals with ‘resilience’ in the face of vulnerability”.<sup>139</sup> Social institutions are informal structures such as, for instance, a person’s family or community while societal institutions are formal structures such as, for instance, a legal or political system. In some instances, these social or societal institutions might increase a person’s dependency while in other instances these institutions can contribute to socio-economic participation.<sup>140</sup>

In understanding persons as socially embedded, the vulnerability notion provides another promising starting point for substantive equality and therefore for the realisation of universal human rights.<sup>141</sup> This is the case because this focus on social embeddedness acknowledges that “autonomy – the real and effective capacity to develop and pursue one’s own conception of a worthwhile life – is only achievable under socially supportive conditions”.<sup>142</sup> The vulnerability notion therefore connects two perspectives: the perception of human beings as agents who can engage in efforts to improve their situation and “take charge of their own lives” and the understanding that, simultaneously, these humans are in need of protection and assistance to make use of this agency.<sup>143</sup> This underlines that an individual’s autonomy is dependent on that individual’s relationship to other persons.<sup>144</sup>

This focus on the social environment underlines that participation cannot be understood exclusively along economic lines (i.e. in focusing on material deprivation or participation in the labour market).<sup>145</sup> Instead, the vulnerability notion underlines that to be “fully human” one must be able “to participate on equal terms in community and society more generally”.<sup>146</sup> More concretely, this social dimension of participation is important in at least three respects: 1) “legally institutionalized relations of universal respect for the autonomy and dignity of persons” are central to a person’s self-respect, 2) “close relations of love and friendship” are fundamental for self-trust and 3) “networks of solidarity and shared values within which the particular worth of members of a community can be acknowledged” are fundamental for self-esteem.<sup>147</sup> Facilitating not only economic but also social participation is thus of fundamental importance for the realisation of substantive equality and therefore for the realisation of universal human rights.

### 2.3. OPERATIONALISING THE TWO DIMENSIONS OF THE VULNERABILITY NOTION’S TRANSFORMATIVE POTENTIAL

This study is not interested in the actual effect of the transformative potential (i.e. the actual stigmatising or stereotyping effect or the actual effect upon socio-economic

<sup>139</sup> Fineman (2013) 13.

<sup>140</sup> Compare, e.g., Fineman (2013) 22–24; Misztal (2011) 57.

<sup>141</sup> Fredman (2016), 713. Compare also Fineman (2013); Mackenzie (2013) 35–36.

<sup>142</sup> Anderson and Honneth (2004) 130.

<sup>143</sup> Misztal (2011) 59.

<sup>144</sup> Anderson and Honneth (2004) 130.

<sup>145</sup> Anderson and Honneth (2004) 132; Fredman (2016) 732.

<sup>146</sup> Fredman (2016), 732.

<sup>147</sup> Anderson and Honneth (2004) 131–132.

participation).<sup>148</sup> Instead, the study seeks to evaluate the *potential* of the vulnerability-focused basic assistance policy in each case study for mitigating stigmatisation and stereotyping and for facilitating socio-economic participation. Hence, the study does not operationalise stigmatisation or stereotyping and socio-economic participation as such but, instead, operationalises how policies can be evaluated with regard to their *potential* for mitigating stigmatisation or stereotyping and for facilitating socio-economic participation.

To evaluate the policies in the two case studies, the study developed a dichotomy between one desirable and one less desirable approach for each of the two dimensions of the vulnerability notion's transformative potential. To evaluate the potential for mitigating stigmatisation and stereotyping, the study relies on the distinction between two different administrative justice models. To evaluate the potential for the facilitation of socio-economic participation, the study relies on the distinction between two different activation approaches.

The next sections explain why these models and approaches were chosen and how they are understood in the present study. This study understands ideas and concepts as invented (not discovered) and as the researcher's interpretation.<sup>149</sup> Hence, the below choices do not mean that there are no other theories or approaches in public administration and social work literature that could potentially be relevant for understanding the two case studies.<sup>150</sup> The operationalisation of the two dimensions of the vulnerability notion's transformative potential is merely based on this researcher's understanding of what would be instructive and provide relevant insights for the study's main research question – i.e. for how the vulnerability focus in basic assistance policies by UNHCR and IOM in Khartoum (Sudan) contribute to the vulnerability notion's alleged transformative potential for the realisation of universal human rights.<sup>151</sup>

### 2.3.1. STIGMATISATION AND STEREOTYPING AND TWO MODELS OF ADMINISTRATIVE JUSTICE

At first sight, it seems difficult to translate the above argument on the mitigation of stigmatisation and stereotyping (Section 2.2.1) into the practical context of vulnerability-focused basic assistance policies. In categorising and selecting potential beneficiaries, humanitarian agencies, like bureaucracies in general, intend to make their operational contexts legible – to define the problem, diagnose the causes, judge

<sup>148</sup> It is also for this reason that the study does not focus on beneficiaries themselves. Compare also Section 1.6.3 and Chapter 4.

<sup>149</sup> Corbin and Strauss (2008) 10, 163–164.

<sup>150</sup> Thus, as is common in research that relies on grounded theory methods, it remains possible that other researchers might have chosen a different focus (see also Sections 4.1.1 and 4.4.2).

<sup>151</sup> Bendassolli (2013). See also Corbin and Strauss (2008) 10. Compare also the beginning of Chapter 3.



the situation and suggest possible remedies.<sup>152</sup> Distinguishing potential beneficiaries into different groups is thus crucial to their work. Hjörne *et al*, for instance hold that categories are stabilising a public assistance provider's work and their use "organises and encodes information, produces knowledge and coordinates its daily practices".<sup>153</sup> It is hard to imagine how a vulnerability focus in such policies can have any transformative potential by transcending these categories and their stigmatising or stereotyping effects: eligibility assessments for basic assistance must, by their very definition, distinguish the vulnerable from the not/less vulnerable in order to identify who is eligible for basic assistance. Yet, Kohn suggests that interventions that are targeted on the basis of vulnerability might not only be less stigmatising but might also be more closely "tailored to their objectives".<sup>154</sup>

How could this be the case? In this respect, the two case studies indicate that some assessment *procedures* are still more likely than others to mitigate stigmatisation and stereotyping. Indeed, vulnerability scholars like Fineman emphasise the importance of "interrogating the institutional practices that produce the identities and inequalities in the first place".<sup>155</sup> According to Lipsky, setting the terms of how an assessment is being conducted "limits and determines the range of behavioural actions from which clients may choose their responses".<sup>156</sup> This not only affects the assistance provision as such but treating a potential beneficiary in line with specific policy guidelines and criteria "affects the relationships of others to that person and also affects the person's self-evaluation".<sup>157</sup> Hence, this study understands attention to the way in which a vulnerability assessment is being conducted as crucial for the mitigation of stigmatisation and stereotyping.

In order to mitigate stigmatisation and stereotyping and therefore facilitate recognition along the abovementioned lines (Section 2.2.1) the assessment should be set-up in a way that is "treating people with respect and dignity".<sup>158</sup> Moreover, service encounters with vulnerable individuals must focus on a potential beneficiary's coping ability in order to ensure the proper treatment.<sup>159</sup> Especially in intercultural encounters

<sup>152</sup> Robert Entman, 'Framing: Toward Clarification of a Fractured Paradigm' [1993] 43(4) *Journal of Communication* 52. Compare also Glasman (2017) 338; Lipsky (1980/2010), 105–106; Flegar (2018); Veronika Flegar, 'UNHCR's Shifting Frames in the Social Construction of Disabled Refugees: Two Case Studies on the Organisation's Work During the World Refugee Year (1959–1960) and the International Year of Disabled Persons (1981)' [2019b] 1(2) *Diplomatica* 157–179.

<sup>153</sup> Eva Hjörne, Kirsi Juhila and Carolus van Nijnatten, 'Negotiating Dilemmas in the Practices of Street-level Welfare Work' [2010] 19(3) *International Journal of Social Welfare* 305.

<sup>154</sup> Kohn (2014) 25.

<sup>155</sup> Fineman (2008) 16.

<sup>156</sup> Lipsky (1980/2010) 61.

<sup>157</sup> Lipsky (1980/2010) 9. Cited in Hjörne, Juhila and van Nijnatten (2010) 304.

<sup>158</sup> Robert Folger, 'Distributive and Procedural Justice: Multifaceted Meanings and Interrelations' [1996] 9(4) *Social Justice Research* 412, 418. Compare also, e.g., Markus Müller and Elisabeth Kals, 'Interactions between Procedural Fairness and Outcome Favorability in Conflict Situations' in Kjell Törnblom and Riël Vermunt, *Distributive and Procedural Justice: Research and Social Applications* (Routledge 2007) 125–140; Christopher Langone, *Communicating Justice: The Role of Justifications in Normative Decision Making* (PhD Thesis Cornell University, 2015).

<sup>159</sup> Malini Laxminarayan, 'Interactional Justice, Coping and the Legal System: Needs of Vulnerable Victims' [2013] 19(2) *International Review of Victimology* 145. Compare also, e.g., Malini



(which are highly likely in the assistance provision to non-citizens), attention should also be paid to aspects such as cultural distance, intercultural competence, inter-role congruence and comfort during the interaction.<sup>160</sup> This study therefore assumes that due regard for the potential beneficiary's perspectives, perceptions and capacities in the interaction between case worker and beneficiary is fundamental to the mitigation of stigmatisation and stereotyping.

Based on the two case studies, the final chapter of this study (Chapter 14) summarises some measures that might contribute to mitigating the stigmatising or stereotyping effects of a vulnerability assessment procedure. To be able to identify any such measures in the case studies, the study relies on an approach that helps "to evaluate the justice inherent in administrative decision-making" or, more specifically, "those qualities of a decision process that provide arguments for the acceptability of its decisions": the administrative justice models developed by Marshaw and expanded upon by Adler.<sup>161</sup> Vulnerability assessments are a form of such administrative decision-making.

Administrative justice models are particularly suitable for developing a dichotomy between one desirable and one less desirable approach for vulnerability assessment procedures because 1) two such administrative justice models (the bureaucratic and the professional model) emerge as particularly prominent in the two case studies, 2) these two models appear diametrically opposed in their attention to the perspectives, perceptions and capacities of potential beneficiaries in the vulnerability assessment procedure and 3) as mentioned above, this type of attention to potential beneficiaries is fundamental for the mitigation of stigmatisation and stereotyping in a vulnerability assessment procedure. This study therefore evaluates the two case studies' transformative potential for the mitigation of stigmatisation and stereotyping on the basis of the distinction between the bureaucratic model and the professional model of administrative justice.

According to Marshaw, the bureaucratic model is characterised by the legitimating values of accuracy and efficiency, the primary goal of program implementation, a hierarchical organisational structure and the cognitive technique of information processing.<sup>162</sup> In building upon Marshaw, Adler characterises the bureaucratic model based on the following aspects: the application of rules, the legitimizing goal of accuracy,

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Laxminarayan, Jens Henrichs, and Antony Pemberton, 'Procedural and Interactional Justice: A Comparative Study of Victims in the Netherlands and New South Wales' [2012] 9(3) *European Journal of Criminology* 260–275. Heather Conway, John Stannard (eds.), *Emotional Dynamics of Law and Legal Discourse* (Hart 2016). Natasha Mulvihill, Geetanjali Gangoli, Aisha Gill and Marianne Hester, 'The Experience of International Justice for Victims of 'Honour'-based Violence and Abuse Reporting to the Police in England and Wales' [2019] 29(6) *Policing and Society* 640–656.

<sup>160</sup> Piyush Sharma, Jackie Tam and Namwoon Kim, 'Demystifying Intercultural Service Encounters: Towards a Comprehensive Conceptual Framework' [2009] 12(2) *Journal of Service Research* 227–242.

<sup>161</sup> Jerry Marshaw, *Bureaucratic Justice: Managing Social Security Disability Claims* (Yale University Press 1983); Michael Adler, 'A Socio-Legal Approach to Administrative Justice' [2003] 25(4) *Law & Policy* 329.

<sup>162</sup> Marshaw (1983) 31. Cited in Adler (2003) 330.

a hierarchical mode of accountability and a characteristic remedy of administrative review.<sup>163</sup> In light of these characteristics, the present study understands the essence of the bureaucratic model as being linked to organisation-oriented values.<sup>164</sup> With this in mind, the study regards three key procedural aspects that emerge from the case studies as reflecting the bureaucratic model: 1) rules-based decision-making in which flexibility is minimised since the acceptability of the decision is evaluated in terms of accuracy (rigidity), 2) efficiency-driven interaction with beneficiaries (feasibility) and 3) a focus on accuracy and organisation-oriented values that is, for instance, reflected in concerns about fraud among beneficiaries or over-inclusive vulnerability criteria (thereby risking under-inclusiveness).<sup>165</sup> Each of these three aspects (rigidity, feasibility and under-inclusiveness) forms one part of a procedural administrative dilemma that is elaborated upon in more detail in Chapter 3.

According to Marshaw, the professional model is characterised by the legitimating value of service, the primary goal of client satisfaction, an interpersonal organisational structure and the cognitive technique of a clinical application of knowledge.<sup>166</sup> Adler expands upon this characterisation and defines the professional model based on the following aspects: the application of knowledge, the legitimizing goal of expertise, an interpersonal mode of accountability and a characteristic remedy of a second opinion or complaint to a professional body.<sup>167</sup> Based on these characteristics the present study views the essence of the professional model as being linked to client-oriented values.<sup>168</sup> With this in mind, the study regards three key procedural aspects that emerge from the case studies as reflecting the professional model: 1) professional knowledge-based decision-making in which flexibility is considered important since the acceptability of the decision is evaluated in terms of client satisfaction (flexibility), 2) public service- and client satisfaction-driven interaction with beneficiaries (comprehensiveness) and 3) a focus on client-oriented values and the well-being of individual beneficiaries that is, for instance, reflected in being more concerned about under-inclusive vulnerability criteria and being less concerned about the risk of fraud among beneficiaries (thereby risking over-inclusiveness).<sup>169</sup> Each of these aspects forms the other part of the three procedural administrative dilemmas that are elaborated upon in Chapter 3.

<sup>163</sup> Adler (2003) 330.

<sup>164</sup> Compare, e.g., Michael Adler, 'Social Security and Social Welfare' in Peter Cane and Herbert Kritzer, *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010a) 404–406.

<sup>165</sup> Compare Marshaw (1983) 1, 29; Adler (2010a) 404–406. See also, e.g., Roy Sainsbury 'Administrative Justice, Discretion and the 'Welfare to Work' Project' [2008] 30(4) *Journal of Social Welfare and Family Law* 323–338. Simon Halliday and Colin Scott, 'Administrative Justice' in Cane and Kritzer (2010) 476; Michael Adler, 'Understanding and Analysing Administrative Justice' in Michael Adler (ed.), *Administrative Justice in Context* (Hart 2010b) 153; Albertjan Tollenaar, 'Humane rechtsbetrekking in de lokale verzorgingsstaat' in Gijsbert Vonk (ed.), *Rechtsstatelijke aspecten van de decentralisaties in het sociale domein* (University of Groningen 2016) 39, 45–46.

<sup>166</sup> Marshaw (1983) 31. Cited in Adler (2003) 330.

<sup>167</sup> Adler (2003) 330.

<sup>168</sup> Compare Adler (2010a) 404–406.

<sup>169</sup> Marshaw (1983); Adler (2003); Tollenaar (2016) 39, 45–46. Compare also Sainsbury (2008); Halliday and Scott (2010) 476; Adler (2010a), 404–406; Adler (2010b) 153.

The study considers the professional model of administrative justice to be more promising for the mitigation of stigmatisation and stereotyping because it focuses on client satisfaction and therefore places the beneficiary at the centre of the assistance provision. Hence, the professional model pays more attention to the perspectives, perceptions and capacities of potential beneficiaries in the vulnerability assessment procedure. Such a beneficiary-focused approach to administrative justice is less centred on labelling and concentrates more on interaction. This allows the assessment to become less of a one-directional bureaucratic classification and categorisation mechanism and more of a shared investigation into the diverse, and not necessarily group-related, origins of a potential beneficiary's vulnerability. This is likely to be conducive to what vulnerability scholars have suggested to be necessary to work towards substantive equality, namely "to move beyond stereotypes and presumptions about who is or who is not vulnerable to a particular problem" by focusing on "an evidence-based understanding of social needs and risks".<sup>170</sup> It is for this reason that this study considers such an approach in vulnerability-focused basic assistance policies as more promising for the vulnerability notion's transformative potential to mitigate stigmatisation and stereotyping.

### 2.3.2. SOCIO-ECONOMIC PARTICIPATION AND TWO TYPES OF ACTIVATION

At first sight, it seems challenging for a vulnerability focus in basic assistance policies to directly facilitate socio-economic participation due to the *basic* nature of the assistance provision: basic assistance suggests that there is limited attention to underlying structural or long-term issues. Yet, basic assistance is a crucial aspect of poverty reduction and therefore forms the first step towards socio-economic participation. As Hemerijck, for instance, asserts, basic assistance in the form of "[a]dequate minimum income protection" is fundamental to "an effective social investment strategy" that encourages societal engagement.<sup>171</sup>

Non-citizens often remain excluded from *societal* institutions to varying degrees. Simultaneously, *social* institutions are often weak and difficult to (re-)establish in the migration context: family and friends might be living elsewhere, non-citizens might not be allowed to work and are usually not considered members of the political community of their host or transit country.<sup>172</sup> Building and strengthening new social ties *en route* or in the destination country is thus important for the socio-economic participation of non-citizens. Diaspora communities can, and often do, play a fundamental role in this respect.<sup>173</sup> On the basis of these arguments, the study assumes that facilitating

<sup>170</sup> Kohn (2014) 26.

<sup>171</sup> Anton Hemerijck, *Changing Welfare States* (Oxford University Press 2013) 137.

<sup>172</sup> For this study's definition of societal and social institutions see Section 2.2.2.

<sup>173</sup> Compare, e.g., Paul Collier, *Exodus: How Migration is Changing our World* (Oxford University Press 2013).

socio-economic participation of non-citizens is possible at the social level – even where integration at the societal level is not deemed feasible or desirable.

Against this background, the findings in the two case studies suggest that some types of basic assistance are more promising than others for facilitating socio-economic participation. As such, assistance should not merely involve a passive hand-out but involve active efforts to address the root-causes of a beneficiary's vulnerability. This is what the present study understands as activation policies. Such activation policies are traditionally viewed "as efforts or measures to promote employment and to relieve dependence on welfare systems".<sup>174</sup> This understanding of activation tends to emphasise the economic dimension of participation. However, since this study assumes that the facilitation of economic participation is more likely to be successful if the social dimension of participation is also taken into account, this study understands activation more broadly. In so doing, the study follows the so-called "activation optimists" perspective that starts from the assumption that people are generally willing "to participate in and contribute to society" but that "at least part of the target groups of social policies lack the resources" that are required to do so.<sup>175</sup>

A focus on activation is particularly suitable for developing a dichotomy between one desirable and one less desirable approach for addressing vulnerability through basic assistance policies because 1) the activation approaches in the two case studies differ, 2) the approaches vary in their degree of attention to the social embeddedness of vulnerable beneficiaries and 3) as mentioned above, this attention to the beneficiary's social embeddedness is fundamental for facilitating socio-economic participation through basic assistance policies. Previous authors have proposed different typologies for these activation measures.<sup>176</sup> On the basis of the above assumptions, the study distinguishes two approaches to activation: one that is more focused on economic participation (responsibilisation-focused activation) and one that is more focused on social participation (empowerment-focused activation). This study therefore evaluates the two case studies' transformative potential for facilitating socio-economic participation on the basis of this distinction.

Responsibilisation or demanding activation measures entail, for instance, a low duration and level of assistance, strict eligibility criteria and individual activity requirements paired with strong monitoring.<sup>177</sup> Such approaches view beneficiaries as autonomous and rational individuals that can be held accountable for their own fate and place the primary responsibility for successful activation upon the individual

<sup>174</sup> Sarah Marchal and Natascha Van Mechelen, *Activation Strategies within European Minimum Income Schemes* (GINI Discussion Paper 87 2013) 4.

<sup>175</sup> See e.g. Rik van Berkel and Iver Møller, 'The Concept of Activation' in Rik van Berkel and Iver Møller, *Active Social Policies in the EU: Inclusion through Participation?* (The Policy Press 2002) 54.

<sup>176</sup> Compare, e.g., Marchal and Van Mechelen (2013); van Berkel and Møller (2002) 54.

<sup>177</sup> Werner Eichhorst and Regina Konle-Seidl, *Contingent Convergence: A Comparative Analysis of Activation Policies*, (IZA Discussion Paper No.3905 2008) 5.

beneficiary.<sup>178</sup> This approach is said to be rooted in the neoliberal ‘workfare’ approach of the 1980s and 1990s.<sup>179</sup> The principal focus of responsabilisation-oriented activation is economic self-sufficiency, i.e. the integration of a beneficiary into the labour market.<sup>180</sup> With this in mind, the study regards three key substantive aspects that emerge from the case studies as reflecting responsabilisation-focused activation: 1) a preference for short-term relief, 2) a preference for control and 3) a focus on material needs rather than protection risks. Each of these aspects forms one part of one of the three substantive administrative dilemmas at play in the vulnerability-focused basic assistance policies in the two case studies (elaborated upon in more detail in Chapter 3).

Empowerment or enabling activation measures, on the other hand, seek “to prepare individuals, families, and societies to pre-empt various risks rather than simply to repair damage”.<sup>181</sup> Such measures can, for instance, include training, (psychosocial or job) counselling and other services aimed at mitigating dependency (e.g. child care).<sup>182</sup> These measures are related to the social investment approach that has become more prominent in welfare policies since the beginning of the 21<sup>st</sup> century.<sup>183</sup> Such approaches view beneficiaries as embedded in a variety of social ties and societal institutions and therefore not necessarily exclusively responsible for their own fate. Hence, enabling activation measures seek to strengthen both beneficiaries and social structures.<sup>184</sup> This can, for instance, involve the strengthening of community ties and the building of social resilience through working with communities in addition to providing assistance to individuals.<sup>185</sup> Empowerment-oriented activation is therefore focused on both economic *and* social participation. With this in mind, the study regards three

<sup>178</sup> Compare e.g. Susanna Trnka and Catherine Trundle, ‘Competing Responsibilities: Moving Beyond Neoliberal Responsibilisation’ [2014] 24(2) *Anthropological Forum* 136–153; Yascha Mounk, *The Age of Responsibility: Luck, Choice and the Welfare State* (Harvard University Press 2017). See also Veronika Flegar, ‘Beyond Citizenship and “Responsibilisation” in the Exclusionary Welfare State: Realizing Universal Human Rights through Social Resilience-Building and Interactional Justice?’ in Monika Baár and Paul van Trigt (eds.), *Marginalised Groups, Inequalities and the Post-War Welfare State: Whose Welfare?* (Routledge 2019a), 173–190.

<sup>179</sup> Hemerijck (2013) 132–137.

<sup>180</sup> Hemerijck (2013) 132–137.

<sup>181</sup> Hemerijck (2013) 137.

<sup>182</sup> Compare, e.g., Marchal and van Mechelen (2013) 6.

<sup>183</sup> Hemerijck (2013) 133–137.

<sup>184</sup> Compare, e.g., Barbra Teater, *An Introduction to Applying Social Work Theories and Methods* (Open University Press 2010) 59, 102–116; Van Berkel and Møller (2002); Eichhorst and Konle-Seidl (2008); Marchal and van Mechelen (2013).

<sup>185</sup> Compare, e.g., Judith Lee, *The Empowerment Approach to Social Work Practice: Building the Beloved Community – Second Edition* (Columbia University Press 2001); Gary Craig and Hermione Lovel, ‘Community Development with Refugees: Towards a Framework for Action’ [2005] 40(2) *Community Development Journal* 131–136; Robert Chaskin, ‘Resilience, Community, and Resilient Communities: Conditioning Contexts and Collective Action’ [2008] 14(1) *Child Care in Practice* 65–74; For more critical appraisals see, e.g., Gail Mason and Mariastella Pulvirenti, ‘Former Refugees and Community Resilience: ‘Papering Over’ Domestic Violence’ [2013] 53 *British Journal of Criminology* 401–418; Anna Carrillo, Sandra Gírbés-Peco, Lena De Botton and Rosa Valls-Carol, ‘The Role of Communicative Acts in the Dream Process: Engaging Moroccan Migrants in a Community Development Initiative in Urban Spain’ [2017] 54(2) *Community Development Journal* 212.

key substantive aspects that emerge from the case studies as reflecting empowerment-focused activation: 1) a preference for structural change, 2) a preference for support and 3) a focus on protection risks or on the combination of material needs and protection risks. These three aspects form the other parts of the three substantive administrative dilemmas at play in the vulnerability-focused basic assistance policies in the two case studies (see Chapter 3).

The study considers empowerment-oriented activation efforts to be more promising for the facilitation of socio-economic participation because they take into account the social embeddedness of the individual, thereby acknowledging and seeking to address the social context of a vulnerable beneficiary. This is more likely to “offer[] a means of naming and addressing injustices” instead of providing mere symptom relief.<sup>186</sup> Specifically, this study assumes that community-focused empowerment provides a mechanism to mitigate non-citizen vulnerability by building individual as well as social resilience in situations of uprootedness. Strengthening communities can encourage participation, agency, democratic accountability and transparency as well as ownership and self-reliance among beneficiaries.<sup>187</sup> Migrant communities are crucial where families and other social networks have often been left behind in the country of nationality or elsewhere.<sup>188</sup> Chaskin suggests that this approach can work to support and empower both individuals and communities: individuals can rely on community resources during hardship while the general community capacity for collective action is strengthened, as well.<sup>189</sup> The responsabilisation-focused emphasis on individual responsibility and “warnings about the addictive dependency of social welfare provisions”, on the other hand, is counterproductive to substantive equality because it tolerates or even justifies “profound inequalities”.<sup>190</sup> Hence, this study views an empowerment-oriented activation approach in vulnerability-focused basic assistance policies as more promising for the vulnerability notion’s transformative potential in terms of facilitating socio-economic participation.

## 2.4. CONCLUDING REMARKS

This chapter outlined the normative assumptions that emerged from and form the foundation of this study’s evaluative framework. It started by explaining the limits of the universal human rights ideal when it comes to non-citizens. Subsequently, the chapter conceptualised the two dimensions of the vulnerability notion’s transformative

<sup>186</sup> Brown (2017), 669 and 677.

<sup>187</sup> Compare, e.g., Robert Muggah, ‘Distinguishing Means and Ends: The Counterintuitive Effects of UNHCR’s Community Development Approach in Nepal [2005] 18(2) Journal of Refugee Studies 153–154.

<sup>188</sup> Compare, e.g., Esther Doron, ‘Working with Lebanese Refugees in a Community Resilience Model’ [2005] 40(2) Community Development Journal 182–191.

<sup>189</sup> Chaskin (2008) 72.

<sup>190</sup> Fineman (2013) 14.

potential for substantive equality on which this study focuses. The chapter then elaborated upon the operationalisation of these two dimensions for the evaluation of the two case studies.

The first transformative potential focuses on the mitigation of stigmatisation and stereotyping. The chapter explained that the present study relies on the distinction between the bureaucratic and the professional model of administrative justice to reflect upon this issue. The latter model is assumed to be less stigmatising/stereotyping and therefore more likely to contribute to substantive equality: it places the beneficiary at the centre of the assistance provision and therefore pays more attention to the perspectives, perceptions and capacities of potential beneficiaries.

The second transformative potential focuses on the facilitation of socio-economic participation. The chapter clarified that this study relies on the distinction between responsabilisation- and empowerment-oriented activation measures to reflect upon this issue. The latter approach is assumed to be more conducive to facilitating socio-economic participation and therefore more likely to contribute to substantive equality: it acknowledges and seeks to address the social context of a vulnerable beneficiary and thereby increases the chances of providing more than mere symptom relief.

As mentioned at the beginning of this chapter, the arguments presented above are normative assumptions that underlie, and were developed throughout, this study. Hence, they are not challenged or tested in this study but form the evaluation framework for reflecting upon the transformative potential of a vulnerability focus in the basic assistance policies of the two case studies.





## CHAPTER 3

# THEMES AND CONCEPTS RELEVANT TO THE CASE STUDIES

This chapter provides an overview of the themes and concepts that are relevant for understanding the two case studies. These themes and concepts were not relied upon from the start but, in line with Corbin and Strauss' grounded theory method, emerged gradually as the data collection and analysis of the first case study progressed.<sup>191</sup> Yet, they are outlined here because they form the backbone and structure of the case studies and presenting them upfront is meant to serve as a guide to the reader.

The chapter is largely written in the first person to underline the following point: an empirical social phenomenon can usually be understood on the basis of several legitimate alternative theories and explanations and a single, definitive connection of empirical observations to theory remains elusive.<sup>192</sup> Theories in the social sciences and humanities are thus "resources of semiotic mediation" which "not only reflect the world in the mind's eye" but also "(re)construct it according to our pragmatic interests".<sup>193</sup> The choice in this respect depends on the extent to which the researcher perceives a theory as *relevant to the issue at stake*.<sup>194</sup>

The issue at stake in this study, i.e. the main research question, is how the vulnerability focus in basic assistance policies by UNHCR and IOM in Khartoum (Sudan) contribute to the vulnerability notion's alleged transformative potential for the realisation of universal human rights. With this in mind, I developed three themes that are further distinguished into a number of concepts and codes.<sup>195</sup> These themes, concepts and codes emerged from the data and were employed to structure and interpret the findings so as to make sense of the case studies in a way that would

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<sup>191</sup> On the study's use of the grounded theory method see Sections 4.1.1 and 4.4.

<sup>192</sup> Pedro Bendassolli, 'Theory Building in Qualitative Research: Reconsidering the Problem of Induction' (2013) 14(1) Forum Qualitative Sozialforschung 25 <[www.qualitative-research.net/index.php/fqs/article/view/1851/3497](http://www.qualitative-research.net/index.php/fqs/article/view/1851/3497)> accessed 26 December 2019.

<sup>193</sup> Richard Rorty, *Philosophy and the Mirror of Nature* (Princeton University Press 1979). Paraphrased by Bendassolli (2013).

<sup>194</sup> Bendassolli (2013). See also Corbin and Strauss (2008) 10.

<sup>195</sup> The development of such themes and concepts is a legitimate research aim for which Corbin and Strauss' grounded theory method can be used. Corbin and Strauss (2008) 16.

facilitate an answer to the main research question. I developed these themes, concepts and codes on the basis of a combination of three considerations:

- The Data: what I encountered in the desk research, during participant observation and in the interviews with basic assistance providers at UNHCR and IOM in Khartoum;
- The Literature: what I had read on UNHCR and IOM in humanitarian governance literature, on vulnerability assessments for basic assistance in public administration literature and on addressing vulnerability in social work literature. These three bodies of literature were identified on the basis of my previous education, knowledge and contact with other researchers;
- The Research Question: what I considered useful for answering how the vulnerability focus in basic assistance policies by UNHCR and IOM in Khartoum (Sudan) can contribute to the vulnerability notion's alleged transformative potential for the realisation of universal human rights.

This chapter proceeds as follows: the next section presents the process of how I arrived at the themes and concepts (3.1), the chapter then focuses on the vulnerability assessment itself (Theme 1, 3.2). Subsequently, the chapter outlines the concepts related to the administrative dilemmas (Theme 2, 3.3) and the concepts related to the contextual constraints (Theme 3, 3.4) that appear relevant in the two cases. The chapter ends with some concluding remarks (3.5). The chapter does not distinguish between the design and implementation phase because the vulnerability assessment characteristics, administrative dilemmas and contextual constraints I identified are relevant during both phases.

### 3.1. DEVELOPMENT OF THE THEMES AND CONCEPTS

As Chapter 4 explains in more depth, this study's approach is exploratory. This means that, initially, the data collection and analysis did not have a very specific focus. Instead, the study started from a broad research interest in the identification of vulnerability.<sup>196</sup> Hence, I collected and analysed the data from the two case studies with the following broad exploratory question in mind: *how is vulnerability understood in the design and implementation of each vulnerability assessment and what influences the way in which it is understood?*<sup>197</sup>

The reasoning behind adopting this two-tier sub-question for the case studies was as follows: the answer to the first part of this question would allow me to see 1) how the organisations conceptualise vulnerability and 2) whether and to what extent there was any direct relationship to any normative-theoretical understanding of vulnerability, i.e. whether vulnerability is understood as universal or not.

<sup>196</sup> Compare also Sections 1.6, 4.3.2 and 4.4.

<sup>197</sup> Compare also Section 1.6.

However, the transformative potential of the vulnerability focus in the two case studies immediately appeared limited in this respect: eligibility assessments have to classify individuals as vulnerable or not vulnerable. Hence, by their very definition, such eligibility assessments cannot rely on an understanding of vulnerability as universal.<sup>198</sup>

Nevertheless, as Chapter 2 explains, I gradually understood that the transformative potential of vulnerability does not necessarily have to lie in how the notion is understood. Instead, the transformative potential of the vulnerability notion is also closely related to the way in which vulnerability is assessed and addressed in specific situations. Hence, context is crucial. The second part of the sub-question therefore sought to explore the influences upon the conceptualisation of vulnerability in each case study. I did this 1) to identify any other transformative potential in the two case studies and 2) to understand the extent to which the realisation of any such transformative potential might or might not be inhibited in each case.<sup>199</sup> Thus, eventually, the study focused less on the vulnerability assessments themselves and more on the surrounding dynamics that appeared to shape the vulnerability focus in the design and implementation of the broader basic assistance policies.<sup>200</sup>

This revealed that the way in which vulnerability is understood and employed in each case is related to, what I later defined as, administrative dilemmas and contextual constraints. The next paragraphs outline how I arrived at these administrative dilemmas and contextual constraints (see also Section 4.4 on the study's data analysis in line with Corbin and Strauss' grounded theory method).

Administrative Dilemmas: the case studies showed that the respondents' understanding of vulnerability and their basic assistance provision to non-citizens was at least partially shaped by convictions and preferences about what vulnerability-focused basic assistance policies could and should do. I grouped these diverse convictions and preferences into administrative dilemmas, and defined these dilemmas as the procedural and substantive design and implementation issues that basic assistance providers commonly encounter in their work with a vulnerability assessment and have an opinion on.<sup>201</sup> I relied on these dilemmas to understand how the policy practices in the two case studies contribute to mitigating stigmatisation and stereotyping and to facilitating socio-economic participation (the two dimensions of the transformative potential of vulnerability).<sup>202</sup>

This led me to focus on three procedural and three substantive administrative dilemmas. The procedural dilemmas are: p1) feasibility/comprehensiveness, p2) rigidity/flexibility and p3) under-/over-inclusiveness.<sup>203</sup> The substantive dilemmas are: s1) short-term relief/structural change, s2) control/support and s3) material needs/protection

<sup>198</sup> Compare also Section 2.3.1.

<sup>199</sup> Compare also Section 1.6.

<sup>200</sup> On the evolution of this focus see also Sections 4.3.2, 4.3.5 and 4.4.

<sup>201</sup> See Section 1.7.7 for the definition and related inclusion criteria for administrative dilemmas.

<sup>202</sup> Compare also Section 1.6.

<sup>203</sup> Compare Section 2.3.1.

risks.<sup>204</sup> I viewed the two components of each dilemma as two separate concepts (i.e. rigidity is one concept and flexibility is another concept) that, combined, form one dilemma. Section 3.3 below outlines how I understood each dilemma and defined each of the concepts as well as why I considered them as potentially relevant to the transformative potential of vulnerability.

Contextual Constraints: when reflecting upon how the respondents arrived at their preferences regarding each administrative dilemma I found that their preferences were related to the (perceived) contextual constraints upon their work. I defined these contextual constraints as the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy.<sup>205</sup> I relied on these contextual constraints to understand to what extent the policy practices in the two case studies can contribute to the realisation of the two dimensions of the vulnerability notion's transformative potential.<sup>206</sup>

I identified the most relevant contextual constraints in the two case studies as being: each organisation's mandate and international legal obligations, financial and resource constraints, the international community, the operational environment, previous experiences and the organisational structure and culture. Section 3.4 below outlines in what way these concepts appear relevant to understanding the vulnerability assessments and how I defined each of the concepts.

Sliding Scales and Mutual Influences: I relied on this framework of administrative dilemmas and contextual constraints to analyse, interpret, structure and evaluate the case study findings. Yet, such frameworks are never clear-cut and the respondents' preferences regarding each administrative dilemma are not always mutually exclusive.<sup>207</sup> Hence, the dichotomy of each administrative dilemma should, in fact, be understood as a sliding scale or spectrum that can entail different gradations of each component.

Additionally, there are at least three other levels of relationships and mutual influences that blur the boundaries of this framework: administrative dilemmas and contextual constraints can influence each other, procedure and outcome are related and the different aspects within the contextual constraints, the different procedural dilemmas and the different substantive dilemmas can overlap.

To allow for a clear structure of this study and to facilitate the analysis, these sliding scales, relationships and mutual influences are not further discussed here. Instead, Chapter 14 reflects upon a number of mutual influences, blurred boundaries and overlaps within and between the different dilemmas that are important to keep in mind and to investigate in future research.<sup>208</sup>

<sup>204</sup> Compare Section 2.3.2.

<sup>205</sup> See Section 1.7.7 for the definition and related inclusion criteria.

<sup>206</sup> Compare also Section 1.6.

<sup>207</sup> Respondents sometimes refer to both aspects of an administrative dilemma. I sought to highlight such contradictions in the findings for as much as possible. This is part of the constant comparative method that is outlined in Section 4.4.3.

<sup>208</sup> See Sections 14.2.2 and 14.2.3.

### 3.2. THE VULNERABILITY ASSESSMENT

The vulnerability assessment itself is the obvious starting point when seeking to analyse any transformative potential of a vulnerability focus in basic assistance policies. Each case study therefore first presents the key characteristics of the respective vulnerability assessment(s) before focusing on the administrative dilemmas and contextual constraints. These sections in each case study focus on what emerged as the most distinctive characteristics of each assessment: 1) the selection process, 2) the vulnerability criteria themselves and 3) any additional conditions for eligibility.<sup>209</sup>

The selection process is defined as the different stages during which a potential beneficiary's eligibility for basic assistance is determined. I identified this selection process as a key characteristic of the assessment because the set-up of this process already involves decisions that can influence who will be subjected to the assessment: all stages of a selection process can exclude potential beneficiaries from being considered vulnerable and therefore from being eligible for assistance. The study assumes that less potentially stigmatising or stereotyping steps and more safeguards to ensure that no vulnerable individuals fall between the cracks throughout the selection process improve the transformative potential of a vulnerability focus in basic assistance policies.

The vulnerability criteria themselves are defined as the list of criteria on the basis of which eligibility for basic assistance is determined. With regard to the implementation of the vulnerability assessment I also sought to identify the most commonly used criteria, potential overlaps and controversies in the criteria and potential gaps or desired additional criteria. I considered this to be relevant for obvious reasons: these criteria form the core of the vulnerability focus in basic assistance policies. They are therefore also the most likely starting point for inquiries into the transformative potential of a vulnerability focus in basic assistance policies: the more nuance these vulnerability criteria entail, the less likely they are to stigmatise or stereotype and the more they can help to identify ways for facilitating socio-economic participation.

The additional conditions for eligibility are defined as the additional criteria that basic assistance providers might rely upon to determine whether someone who falls within the scope of any of the vulnerability criteria is actually eligible for assistance. These conditions can either be formal additional criteria (i.e. written down in the vulnerability assessment design) or informal additional criteria (i.e. invented by (individual) policy implementers). Examples of such additional criteria include that a beneficiary has to be unable to work or that a beneficiary has to have stayed in Sudan for a certain amount of time in order to be eligible for assistance. I considered this to be relevant because the case studies indicated that such additional criteria are frequently relied upon and can further limit the scope of who is eligible for basic assistance, i.e. who is not only vulnerable, but vulnerable *enough* to receive support. I found this

<sup>209</sup> I decided to focus on these characteristics on the basis of the three considerations mentioned at the beginning of this chapter: what emerged from the data, what I knew from the literature and what seemed most relevant for the main research question on the transformative potential of vulnerability.

aspect to be relevant for the study's main research question because these criteria 1) can have (additional) stigmatising or stereotyping effects and 2) can help to identify ways towards facilitating socio-economic participation.

The UNHCR case study (Chapters 7 and 8) distinguishes vulnerability criteria and additional eligibility criteria in separate sections while the IOM case study (Chapters 11 and 12) presents both vulnerability and additional eligibility criteria in the same section. This difference in the presentation of the findings is due to the different nature of the two organisations' assessments.<sup>210</sup>

### 3.3. ADMINISTRATIVE DILEMMAS

Based on the three considerations outlined at the beginning of this chapter (the data, literature and research question) I identified several administrative dilemmas as relevant for the vulnerability focus in the two basic assistance policies investigated in the present study. As already mentioned in Section 3.1, I understand administrative dilemmas as the design and implementation issues that basic assistance providers commonly encounter in their work with a vulnerability assessment and have an opinion on. I grouped the dilemmas into three procedural issues (p1) rigidity/flexibility, p2) feasibility/comprehensiveness and p3) under-/over-inclusiveness) and three substantive issues (s1) control/support, s2) short-term relief/structural change and s3) material needs/protection risks).<sup>211</sup>

The three procedural dilemmas are relevant with regard to the transformative potential that vulnerability is said to have for the mitigation of stigmatisation and stereotyping: as outlined in Chapter 2, a focus on rigidity, feasibility and the risk of under-inclusiveness is thought to reflect the bureaucratic model of administrative justice while a focus on flexibility, comprehensiveness and the risk of over-inclusiveness is taken to indicate the professional model of administrative justice.

The three substantive dilemmas are relevant for the transformative potential that vulnerability can have for facilitating socio-economic participation: as explained in Chapter 2, a focus on short-term relief, control-oriented measures and material needs is thought to reflect responsibilisation-oriented activation while a focus on structural change, support-oriented measures and protection risks (or the interdependencies between material needs and protection risks) is taken to indicate empowerment-oriented activation.

Table 2 below provides an overview of the concepts that form part of these procedural and substantive administrative dilemmas and their relationship to the

<sup>210</sup> As will become clear in the case study chapters, UNHCR's assessment is more rigid which is why vulnerability criteria and eligibility criteria could be separated more easily in this case than in the assessments in the IOM case study.

<sup>211</sup> Compare also Section 3.2 and Sections 2.3.1 and 2.3.2.

two dimensions of the vulnerability notion's transformative potential before the next sections elaborate upon each of these dilemmas.

**Table 2: Operationalisation of the Two Dimensions of the Vulnerability Notion's Transformative Potential**

TRANSFORMATIVE POTENTIAL	OPERATIONALISATION	
	Bureaucratic Model	Professional Model
<i>Mitigating Stigmatisation and Stereotyping</i>	Rigidity	Flexibility
	Feasibility	Comprehensiveness
	Under-inclusiveness	Over-inclusiveness
	Other issues	
<i>Facilitating Socio-Economic Participation</i>	<b>Responsibilisation</b>	<b>Empowerment</b>
	Short-term relief	Structural change
	Control	Support
	Material needs	Protection risks (and material needs)
	Other issues	

### 3.3.1. PROCEDURAL DILEMMA 1: RIGIDITY OR FLEXIBILITY

I identified the balancing act between rigidity and flexibility as an important procedural dilemma with regard to the vulnerability assessments in the two case studies: does the vulnerability assessment allow exceptions for individual beneficiaries based on the policy implementer's professional judgement and to what extent is any such flexibility considered desirable by the respondents? An assessment that favours rigidity usually seeks to minimise this room for authorised exceptions. This might result in a more uniform application of the assessment on the surface but does not necessarily stop policy implementers from nevertheless making exceptions below the radar.<sup>212</sup> An assessment that favours flexibility usually leaves more room for authorised exceptions. This can allow for exceptions to be kept in sight but might compromise the uniform application of the assessment.

**Rigidity:** I considered respondents as referring to rigidity when they were mentioning a need for accuracy, objectivity or standardisation. **Flexibility:** I viewed respondents as referring to flexibility when they were mentioning a need for exceptions or human judgement. In addition, I included respondents' references to the need to balance between these two aspects.

<sup>212</sup> See, e.g., Lipsky (1980/2010) 150–151.

I identified this dilemma as relevant for the study's main research question because, as already indicated in Chapter 2, an emphasis on rigidity can result in stigmatisation and stereotyping due to inadequate attention to the unique circumstances of the individual beneficiary and to the interpersonal dynamics at play in the interaction between case workers and potential beneficiaries.<sup>213</sup> In administrative justice terms, I viewed rigidity as more organisation-centred and therefore linked to the bureaucratic model of administrative justice and flexibility as more client-centred and therefore linked to the professional model of administrative justice.<sup>214</sup> Hence, I regarded a preference for flexibility to be more likely to contribute to the vulnerability notion's transformative potential for mitigating stigmatisation and stereotyping.

### 3.3.2. PROCEDURAL DILEMMA 2: FEASIBILITY OR COMPREHENSIVENESS

I identified the balancing act between feasibility and comprehensiveness as another procedural dilemma with regard to the vulnerability assessments in the two case studies. Eligibility assessments usually have to balance the preferred speed and costs of selection against the nuance and level of detail involved in any such selection: a strive for maximum comprehensiveness can easily lead to complex assessments but the more complex the assessment, the less feasible it becomes to quickly and resource-effectively assess vulnerability.<sup>215</sup> This dilemma is related to the rigidity/flexibility dilemma: feasibility considerations can, for instance, influence the level of detail that is deemed acceptable for the vulnerability assessment and more detail usually leads to less flexibility.

Feasibility: I considered respondents as referring to feasibility when they were mentioning any need for simple, not too complicated categories and definitions in the vulnerability assessments. Comprehensiveness: I viewed respondents as referring to comprehensiveness when they were mentioning any need for more complexity and/or nuance in the vulnerability assessments. In addition, I included respondents' references to the need to balance between these two aspects.

I identified this dilemma as relevant for the study's main research question because feasibility usually means less comprehensiveness and a less comprehensive assessment would be more likely to overgeneralise and therefore to potentially have a stigmatising or stereotyping effect upon the potential beneficiary. With regard to administrative justice, I viewed feasibility as reflecting an orientation towards efficiency and therefore as linked to the bureaucratic model of administrative justice and comprehensiveness as reflecting a public service and client satisfaction orientation and therefore linked

<sup>213</sup> See Sections 2.2.1 and 2.3.1. Compare also, e.g., Lipsky (1980/2010) 101, 108–111, 149–150.

<sup>214</sup> See Sections 2.2.1 and 2.3.1. Compare also Adler (2003); Adler (2010a); Adler (2010b).

<sup>215</sup> Compare also, e.g., Lipsky (1980/2010) 29–39, 45–45.



to the professional model of administrative justice. Hence, I considered a preference for comprehensiveness, and thus for a nuanced and tailor-made identification of vulnerability, to be more likely to contribute to the mitigation of stigmatisation and stereotyping.

### 3.3.3. PROCEDURAL DILEMMA 3: RISKING UNDER- OR OVER-INCLUSIVENESS

An eligibility assessment necessarily distinguishes between eligible and non-eligible beneficiaries. I therefore found that a third procedural dilemma in the two cases lay in whether respondents preferred to risk excluding too many beneficiaries (risking under-inclusiveness) or to risk the inclusion of too many beneficiaries (risking over-inclusiveness) in the design and implementation of the vulnerability assessments.<sup>216</sup> This dilemma is linked to the rigidity/flexibility dilemma because rigidity and over-inclusiveness concerns as well as flexibility and under-inclusiveness concerns are likely to complement each other.

Under-Inclusiveness: I considered respondents as preferring under-inclusiveness when they were mentioning a need for narrow categories because of a perceived risk that too broad assessments might encourage fraud, a pull-effect or deplete resources. Over-inclusiveness: I regarded respondents as preferring over-inclusiveness when they were mentioning a need for broad categories, granting the benefit of the doubt or the importance of an open ('none of them' or 'other' category) in order to allow for the inclusion of special cases because of a perceived risk that too narrow assessments might leave people in need unattended. In addition, I included respondents' references to the need to balance between these two aspects.

I identified this dilemma as relevant for the main research question because I found that an assessment in which under-inclusiveness is preferred tends to be more focused on organisational goals and might divert attention from a beneficiary's vulnerability. Such a preference for under-inclusiveness thus bears the risk of blurred perceptions about who is most vulnerable and/or about the underlying problems of any such vulnerability. This can negatively affect both the mitigation of stigmatisation and stereotyping and the facilitation of socio-economic participation. In administrative justice terms, I viewed a preference for risking under-inclusiveness to reflect organisational goals and therefore the bureaucratic model of administrative justice and a preference for risking over-inclusiveness to reflect client-centred goals and therefore the professional model of administrative justice. Hence, I considered a preference for risking over-inclusiveness, and thus a focus on the beneficiaries' perspective, as more likely to mitigate stigmatisation and stereotyping.

<sup>216</sup> Compare also, e.g., Lipsky (1980/2010) 41–44; Fineman (2013) 16.

### 3.3.4. OTHER ISSUES

I left room for and collected other procedural aspects under the open concept 'other issues'. On this basis, I identified another aspect relevant for reflections upon stigmatisation and stereotyping in both case studies: perception and performance dynamics in the interaction between case workers and potential beneficiaries. This aspect does not involve an administrative dilemma and specifically focuses on the *implementation* of the respective vulnerability assessments. I found that case workers and potential beneficiaries (consciously and unconsciously) co-construct the identity of the vulnerable beneficiary in their interaction.<sup>217</sup> I considered this as relevant for the study's main research question because these (and possibly other, unidentified) issues influence the way in which potential beneficiaries are viewed and have to present themselves during the vulnerability assessment process. Hence, they are relevant for a discussion on (the mitigation of) stigmatisation and stereotyping.

I defined perception dynamics as the mutual perceptions related to identity or other personal characteristics that case workers mentioned with regard to their interaction with potential beneficiaries. In the first case study, respondents referred to the role of 'gender', 'race, nationality and/or culture', 'assertiveness' and 'empathy' while respondents in the second case study only mentioned 'gender' and 'race, nationality and/or culture' as relevant issues. I considered these aspects to be present in the data when respondents explicitly referred to the influence which these aspects could have for the potential beneficiaries' perceptions of the case worker or for their own perception. 'Gender' refers to differences between women and men. 'Race, nationality and/or culture' covers the respondents' references to differences on the basis of skin colour, to differences between the potential beneficiaries' nationalities and to cultural customs. 'Assertiveness' covers the respondents' references to the level of persistence or aggressiveness with which potential beneficiaries make their case. 'Empathy' covers the case workers' explicit references to the importance of empathy (i.e. a willingness to understand the potential beneficiaries' perspective).

Performance dynamics are understood as related to the framework characteristics of the interaction that shape how beneficiaries perform their vulnerability.<sup>218</sup> While aspects such as the location, time or seating arrangement might also play a role in this respect, the present study focuses on the circumstances that most directly shape the communication between case workers and potential beneficiaries – i.e. the communicative aspects that emerged in each case as impacting the depth and structure of the interaction. In this respect, the first case study focuses on 'the questions being asked' by the case worker and on 'language barriers' in the interaction. 'The questions being asked' relies on respondents' elaborations of the questions case workers indicated to be commonly asking potential beneficiaries when assessing their vulnerability. 'Language barriers' covers the respondents' perceptions with regard to potential

<sup>217</sup> Compare also, e.g., Lipsky (1980/2010) 59–61; Ticktin (2011) 104–111.

<sup>218</sup> Compare also, e.g., Lipsky (1980/2010) 59–62; Ticktin (2011) 2, 13, 103, 107, 111.

beneficiaries speaking different languages and the role of interpreters in this respect. In the first case, case workers tended to more strictly adhere to questions that are directly relevant for the vulnerability assessment while in the second case study case workers tended to emphasise that beneficiaries must be left free to tell their story on their own terms. Hence, the second case study concentrates on slightly different performance dynamics, namely on the case workers' emphasis on a 'readiness to listen', 'language barriers' and 'a welcoming atmosphere'. I considered the 'readiness to listen' to be present in the data when this term was explicitly mentioned by the respondents or when respondents referred to the importance to make beneficiaries relax, feel at ease, tell their own story and trust the assistance provider during the assessment procedure. I identified references to a welcoming atmosphere in the findings when explicitly referring to the MRRC's atmosphere or to making beneficiaries feel at home.

Additionally, since the three procedural dilemmas above were conceptualised on the basis of the first case study (UNHCR) and applied to the second one (IOM), I allowed for other procedural aspects to be collected under the open concept 'other issues' in the second case study. In addition to the just mentioned differences in the perception and performance dynamics with regard to the implementation of the vulnerability assessments, this also led me to identify three additional 'other issues' relevant for the *design* of the vulnerability assessments at IOM: 1) the respondents' suggestions on measures that can help to balance between rigidity and flexibility, 2) the respondents' suggestions on measures that can help to balance between over- and under-inclusiveness and 3) the importance of a welcoming atmosphere.<sup>219</sup> I considered the first two aspects to be present in the data when respondents would refer to ways in which the current situation regarding the respective procedural dilemmas could be improved. Similar to what emerged from the replies by IOM's respondents at the implementation level, I viewed the third aspect (welcoming atmosphere) as present in the data when respondents would refer to the importance of making respondents feel welcome, relaxed and trusted or would directly refer to IOM's community centre approach and the role of a welcoming atmosphere in this respect. I regarded these aspects as important for the main research question because these suggestions can help to understand how a vulnerability focus in basic assistance policies could mitigate stigmatisation and stereotyping and therefore contribute to the vulnerability notion's alleged transformative potential.

### 3.3.5. SUBSTANTIVE DILEMMA 1: SHORT-TERM RELIEF AND/OR STRUCTURAL CHANGE

I identified an important substantive dilemma with regard to the vulnerability assessments in the two case studies to lie in the extent to which a vulnerability-focused

<sup>219</sup> Respondents involved in the design of the assessments refer to all three, while case workers only refer to the last one.

policy was aimed at short-term relief and/or structural change. This issue is linked to the extent to which such policies seek to address the perceived origin(s) of vulnerability: while the former is aimed at mitigating the symptoms of vulnerability, the latter is focused on sustainable, longer-term effects.<sup>220</sup> The choice between both intervention approaches is not made easily since the provision of short-term relief can sometimes delay or even hinder structural changes.<sup>221</sup>

Short-Term Relief: I considered respondents as referring to short-term relief when they were mentioning a humanitarian rationale that focuses on symptom relief and thereby prioritises the immediate provision of basic needs or the saving of lives above the need to address long-term issues. Structural Change: I viewed respondents as referring to structural change when they were mentioning the development rationale of striving for long-term improvements and addressing the root causes rather than the symptoms of beneficiaries' vulnerability. In addition, I included respondents' references to the need to balance between or combine these two aspects.

I found this dilemma to be relevant for the main research question on the transformative potential of vulnerability because structural change is obviously a central aspect of this transformative potential.<sup>222</sup> More specifically, I viewed this aspect as relevant in terms of the extent to which respondents appeared aware of the relevance of structural changes for the beneficiaries' vulnerability. Any such awareness, I thought, could facilitate basic assistance providers in guiding beneficiaries towards socio-economic participation. From an activation perspective, I therefore viewed a focus on short-term relief as more closely related to a responsabilisation approach and a preference for structural change as linked to empowerment. Hence, I regarded a preference for structural change as more likely to facilitate socio-economic participation.

### 3.3.6. SUBSTANTIVE DILEMMA 2: CONTROL AND/OR SUPPORT

A second important substantive dilemma that I identified in the two case studies is the extent to which the vulnerability-focused basic assistance policy is focused on controlling and/or supporting vulnerable beneficiaries. This is a delicate balance to strike since a desire to adequately support beneficiaries usually requires some form of verification and monitoring in order to identify the relevant issues at stake. However, such verification and monitoring can turn into an attempt to direct or control the behaviour of beneficiaries if the measures focus on the individual beneficiary while neglecting the beneficiary's environment (e.g. if they are geared towards mitigating

<sup>220</sup> Compare, e.g., Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Cornell University Press 2011) 19, 32.

<sup>221</sup> Compare, e.g., Ticktin (2011) 3; Linda Polman, *De crisiskaravaan: achter de schermen van de noodhulpindustrie* (Balans 2008). See also Lipsky (1980/2010) 42.

<sup>222</sup> Compare, e.g. Fineman (2008) 18–20.

any potential risk of fraud among potential beneficiaries).<sup>223</sup> This dilemma is related to the preferences regarding short-term relief or structural change measures because a desire for structural change seems more closely linked to a focus on support rather than control.

Control: I considered respondents as referring to control measures when they were mentioning a need to actively verify, monitor and direct the behaviour of beneficiaries. Moreover, I included the verification and monitoring mechanisms that each vulnerability-focused basic assistance policy entailed (i.e. the ways in which a beneficiary's story is verified and possible assistance is monitored (for instance through medical reports or house visits)). Support: I viewed respondents as referring to support measures when they were mentioning a need to actively facilitate beneficiaries to participate in their communities as well as in the labour market. In addition, I included any references by respondents to the need to balance between or combine these two aspects.

I identified this dilemma as relevant for the study's main research question because I understood a preference for control as implying that individual beneficiaries are primarily responsible for their situation and have to be redirected towards the right path. This risks neglecting the social context and potential structural issues at stake which is why it is less likely to contribute to socio-economic participation. With regard to activation literature, I consider control measures as reflecting a focus on individual responsibility and therefore as linked to the responsabilisation approach. I understand support measures as reflecting an understanding of the beneficiary as embedded in a social context that can aggravate as well as mitigate vulnerability and therefore as linked to the empowerment approach. Hence, I regard a preference for support measures, and their general acknowledgement of the social embeddedness of individual beneficiaries, as more likely to contribute to socio-economic participation.

### 3.3.7. SUBSTANTIVE DILEMMA 3: MATERIAL NEEDS AND/OR PROTECTION RISKS

The provision of basic assistance is usually related to a desire to mitigate a particular issue that is perceived as the origin of a beneficiary's vulnerability.<sup>224</sup> In this respect, vulnerability assessments can at least serve to identify material needs, protection risks or a combination of both aspects.<sup>225</sup> I therefore found the extent to which vulnerability is considered as primarily related to material needs and/or to protection risks to constitute another relevant substantive dilemma in the two case studies. This issue is linked to the

<sup>223</sup> Compare, e.g., Brown (2013), 24–27. See also Lipsky (1980/2010) 41–44.

<sup>224</sup> Compare, e.g. Goodin, (1985) 145; Steve Hothersall and Mike Maas-Lowit (eds.), *Need, Risk and Protection in Social Work Practice* (Learning Matters 2010).

<sup>225</sup> Compare, e.g. Brown (2013), 54 for an overview of previous sociological literature on the link between risk, need and vulnerability in social policy.

other two substantive dilemmas because, depending on what is considered as the key issues of vulnerability, different measures might be perceived as more adequate.

Material Needs: I considered respondents as referring to material needs when they defined vulnerability primarily in terms of material deprivation or precarity (e.g. related to living conditions, health status or education). Protection Risks: I considered respondents as referring to protection risks when they appeared to understand vulnerability as primarily linked to protection issues (e.g. violence, harassment or exploitation) and the characteristics that can lead to a heightened exposure to such issues (e.g. refugee status, being a foreigner, gender or mental state). In addition, I included any references by respondents to the need to balance between or combine these two aspects.

I found this dilemma to be relevant for the study's main research question because it relates to what respondents perceive as the main characteristics of the beneficiaries' vulnerability. This has implications for the potential of vulnerability to facilitate socio-economic participation because a focus on material needs seems more oriented towards the autonomous individual that merely requires short-term relief while a focus on protection risks (or an acknowledgement that material needs and protection risks are related) seems more oriented towards the embodied and embedded nature of a beneficiary's vulnerability and therefore more likely to focus on longer-term or structural issues. In activation terms, I viewed a focus on material needs as more closely related to economic participation and individual responsibility and therefore as linked to responsabilisation. I regarded a focus on protection risks or the combination of protection risks and material needs as more likely to take the social context into account and therefore as linked to empowerment. Hence, a focus on protection risks (or, even more promising, an understanding of protection risks and material needs as intertwined potential sources of vulnerability) is understood as more likely to facilitate socio-economic participation.

### 3.3.8. OTHER ISSUES

I also identified another aspect in the first case study (UNHCR) which I considered crucial for socio-economic participation but which did not directly involve a substantive dilemma: the extent to which and how the respondents found that the respective basic assistance policy did or should reflect a concern about the beneficiaries' dependency and self-reliance. I considered this to be relevant for the study's main research question because the respondents' perspective on this issue are related to what they perceive as adequate activation and is therefore insightful for discussing the facilitation of socio-economic participation.

Additionally, since the three substantive dilemmas above were conceptualised on the basis of the first case study (UNHCR) and applied to the second one, I allowed for other substantive aspects to be collected under the open concept 'other issues' in the second case study (IOM). This led me to identify the benefits and risks of a 'community focus' as

additional, prominent considerations among respondents involved in the design of the vulnerability assessments at IOM.<sup>226</sup> I considered this aspect to be present in the data when respondents would refer to the added value, content, risks or challenges of community-focused assistance. I regarded this as an important aspect for the main research question because a community focus tends to be less focused on individual relief and more on social-resilience building. This acknowledges the social embeddedness of the individual and therefore appears to reflect an empowerment-oriented activation measure. Hence, I viewed a community focus as likely to facilitate socio-economic participation.

### 3.4. CONTEXTUAL CONSTRAINTS UPON EACH ORGANISATION'S WORK

This study defines contextual constraints as the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy.<sup>227</sup> On the basis of the three considerations outlined at the beginning of this chapter (the data, literature and research question), I identified six contextual constraints that would likely be relevant for the vulnerability assessment-related work at each organisation: 1) the organisation's mandate and international legal obligations, 2) financial and resource constraints, 3) the international community, 4) the operational environment, 5) previous experiences and 6) the organisational structure and culture.

These contextual constraints are related in several ways and can sometimes overlap. An organisation's mandate can, for instance, influence the organisational structure and culture as well as the way in which the organisation relates to the international community. Moreover, financial and resource constraints can, for instance, shape the organisation's dependency upon this international community. Yet, for conceptual clarity, the study distinguishes and presents these contextual constraints as separate issues.

Not all of these contextual constraints emerged as equally relevant in each case study. Moreover, some constraints might be more relevant for the *design* while other constraints might be more relevant for the *implementation* of the vulnerability-focused basic assistance policy in each case. Additionally, some contextual constraints appear to play a more important role for the *procedural dilemmas* while other contextual constraints might be more relevant for the *substantive dilemmas* of the respective policy.

Although these contextual constraints might not be directly relevant for inquiries into the transformative potential of vulnerability, they are important for understanding the feasibility of integrating any normatively desirable notion of vulnerability into policy practice. Hence, the contextual constraints help to place the findings on

<sup>226</sup> While for IOM respondents involved in the design of the assessments, a separate category seemed sensible, the arguments by case workers on this issue were intertwined with their preference for control and/or support which is why the IOM case worker chapter does not contain a separate section on 'community focus'.

<sup>227</sup> See Section 1.7.

the transformative potential of the vulnerability focus in the two case studies into perspective. The next sections outline how this study understands each of these contextual constraints. With regard to all these constraints this study is less interested in any actual constraints and more in what respondents perceive as the most relevant constraints upon their vulnerability-related work.

### 3.4.1. THE ORGANISATION'S MANDATE AND INTERNATIONAL LEGAL OBLIGATIONS

The mandates of both UNHCR and IOM remain important points of discussion in the literature since the mandates of both organisations can serve as double-edged swords for the organisations' policy outcomes. In the case of UNHCR, the mandate provides a well-defined direction to the organisation's work, but its specificity and narrow focus can simultaneously inhibit the organisation from achieving the best possible outcome for the persons the organisation seeks to protect.<sup>228</sup> In the case of IOM, the mandate's broad scope grants the organisation some freedom for innovation and unconventionality but also bears the risk of a lack in coherence and direction which can be also detrimental to the well-being of the persons the organisation seeks to assist.<sup>229</sup>

I was primarily interested in the extent to which respondents used their organisation's mandate or international legal obligations to frame or justify their work with regard to the vulnerability-focused basic assistance policy. I included any explicit references by respondents to the mandate, human rights or other obligations of the organisation which the respondents perceived as relevant (in the case of UNHCR this, for instance, included explicit references to the protection of refugees).

### 3.4.2. FINANCIAL AND RESOURCE CONSTRAINTS

Previous literature on both organisations indicates that funding and resource constraints have an important impact upon the two organisations' work.<sup>230</sup> The funding of both organisations has increased substantially over the years to a budget

<sup>228</sup> Compare, e.g., Howard Adelman, 'From Refugees to Forced Migration: The UNHCR and Human Security' [2001] 35(1) *The International Migration Review* 30; Astri Suhrke and Kathleen Newland, 'UNHCR: Uphill into the Future' [2001] 35(1) *The International Migration Review* 285.

<sup>229</sup> Compare, e.g., Antoine Pécoud, 'What Do We Know about the International Organisation for Migration?' [2018] 44(10) *Journal of Ethnic and Migration Studies* 1622, 1626, 1631; Megan Bradley, 'The International Organisation for Migration (IOM): Gaining Power in the Forced Migration Regime' [2017] 33(1) *Refugee* 99.

<sup>230</sup> Robyn Lui 'World Order and UNHCR's "Comprehensive" Approach to Refugees' [2001] 14(1) *Revue québécoise de droit international* 112; Beth Whitaker, 'Funding the International Refugee Regime: Implications for Protection' [2008] 14(2) *Global Governance* 255; Kristin Sandvik, 'Blurred Boundaries: Refugee Resettlement in Kampala – between the Formal, the Informal, and the Illegal' [2011] 34(1) *Political and Legal Anthropology Review* 18; Bradley (2017) 100; Pécoud (2018) 1629, 1632.



of approximately US\$ 8.2 billion for UNHCR and a budget of approximately US\$ 1.1 billion for IOM in 2019.<sup>231</sup> In both cases the funding gaps fluctuate but seem to generally lie at approximately 50%, i.e. only about half of the budget is actually funded and spent.<sup>232</sup>

I understood financial and resource constraints as relevant to the extent that respondents perceive any such constraints as impacting their vulnerability assessment-related work. I included any explicit references by respondents to issues such as a lack (or the wrong allocation) of money, assets, staff or time.

### 3.4.3. THE INTERNATIONAL COMMUNITY

Both organisations depend on the international community for funding and have to compete with other organisations and with each other for these funds.<sup>233</sup> Since funding is frequently earmarked for specific policy goals, international political priorities influence the organisations' work.<sup>234</sup> Hence, their policies are likely at least partially shaped by donor preferences and international political priorities.

I identified three international political priorities: 1) emergency relief, 2) sustainable development and 3) migration management. First, an important part of the work of both organisations focuses on emergency relief.<sup>235</sup> I understood respondents as referring to the emergency relief rationale when mentioning the importance of humanitarian and/or basic relief. Second, both organisations also increasingly pay attention to sustainable development (although IOM more so than UNHCR).<sup>236</sup> I viewed sustainable

<sup>231</sup> UNHCR, 'Update on Budgets and Funding for 2019 and Reporting on 2018' (29 May 2019) UN Doc EC/70/SC/CRP.15; IOM, 'Programme and Budget for 2019' (14 November 2018) IOM Doc C/109/6/Rev.1.

<sup>232</sup> Compare UNHCR, 'Financials' <[http://reporting.unhcr.org/financial#\\_ga=1.249077891.562491722.1481282576](http://reporting.unhcr.org/financial#_ga=1.249077891.562491722.1481282576)> accessed 30 December 2019; Adrienne Valdez, 'A Breakdown of IOM's 2013 Funding Appeal' <<https://www.devex.com/news/a-breakdown-of-iom-s-2013-funding-appeal-80177>> accessed 30 December 2019.

<sup>233</sup> Compare, e.g., Barbara Harrell-Bond, 'Humanitarianism in a Straightjacket' [1985] 84(334) *African Affairs* 5; Loescher (2001) 33, 53, 349, 355, 359; Whitaker (2008) 255; Alexander Betts, 'Regime Complexity and International Organisations: UNHCR as a Challenged Institution' [2013a] 19 *Global Governance* 75; Bradley (2017) 100, 103; Korneev (2018) 1673–1674; Pécoud (2018) 1629, 1632.

<sup>234</sup> Ishan Ashutosh and Alison Mountz, 'Migration Management for the Benefit of Whom? Interrogating the Work of the International Organisation for Migration' [2011] 15(1) *Citizenship Studies* 21; Betts (2013a) 76–77; Korneev (2018) 1674; Pécoud (2018) 1625, 1632. Compare also Bradley (2017); Frowd (2018) 1656; Pécoud (2018) 1633.

<sup>235</sup> Compare, e.g., Harrell-Bond (1985); Loescher (2001) 364–365. Suhrke and Newland (2001) 120; Bradley (2017) 101; Frowd (2018) 1662.

<sup>236</sup> Loescher (2001) 349, 358; Lui (2001) 94–95, 102. See also, e.g., Fabian Georgi, 'For the Benefit of Some: The International Organisation for Migration and its Global Migration Management' in Martin Geiger and Antoine Pécoud, *The Politics of International Migration Management* (Palgrave Macmillan 2010) 48, 65; Alexander Betts and Paul Collier, *Refuge: Rethinking Refugee Policy in a Changing World* (Oxford University Press 2017). Pauline Gardiner Barber and Catherine Bryan, 'International Organisation for Migration in the Field: 'Walking the Talk' of Global Migration Management in Manila' [2018] 44(10) *Journal of Ethnic and Migration Studies* 1736; Frowd (2018) 1656; Pécoud (2018) 1632.

development as linked to the respondents' references to structural change, activation or the need to support rather than control. Third, both organisations also focus on migration management (in light of the organisations' mandate this is obviously more prominently the case at IOM than at UNHCR).<sup>237</sup> I understood migration management as linked to respondents' references to a need to curb and/or manage migration, a desire not to encourage migration (e.g. by references to pull factors or to becoming a travel agency), as well as references to borders and human trafficking/smuggling.

I considered these constraints relevant to the extent that respondents refer to (private or public) international donors, politics and diplomacy, other UN agencies or to the international priorities of emergency relief, sustainable development and migration management in relation to their vulnerability assessment-related work. I included any explicit references by respondents to these aspects.

#### 3.4.4. THE OPERATIONAL ENVIRONMENT

Previous authors have repeatedly noted the relevance of the operational environment for the work of organisations like UNHCR and IOM.<sup>238</sup> These commentaries mention, for instance, whether the operational environment is a camp or an urban location, the political, economic and social realities of the host country and the specific circumstances of the potential beneficiaries.<sup>239</sup>

I understood the operational environment as relevant to the extent that respondents refer to the political, economic or social context within which the respective organisation operates as influencing their work. I grouped these perceptions into challenges for the organisation (e.g. humanitarian access) and challenges for beneficiaries (e.g. harassment by the Sudanese authorities).

#### 3.4.5. PREVIOUS EXPERIENCES

Previous experiences obviously shape the work of each organisation.<sup>240</sup> This can, for instance, be reflected in the gradual evolution of policies, in inspiration taken from

<sup>237</sup> Adelman (2001) 30; Loescher (2001) 53, 352; Lui (2001) 97, 107. Compare also, e.g., Raimo Vayrynen, 'Funding Dilemmas in Refugee Assistance: Political Interests and Institutional Reforms in UNHCR' [2001] 35(1) *The International Migration Review* 146. Georgi (2010) 47–48; Anne Hammarstad, *The Rise and Decline of a Global Security Actor: UNHCR, Refugee Protection and Security* (Oxford University Press 2014); Frowd (2018) 1663.

<sup>238</sup> Compare, e.g., Alexander Betts, *Survival Migration: Failed Governance and the Crisis of Displacement* (Cornell University Press 2013b) 191.

<sup>239</sup> Compare, e.g., Loescher (2001) 349, 351; Betts (2013b) 191, 195; Dallal Stevens, 'Rights, Needs or Assistance? The Role of the UNHCR in Refugee Protection in the Middle East' [2016] 20(2) *The International Journal of Human Rights* 264–265, 275.

<sup>240</sup> Glasman (2017) 350, 352. Compare also, e.g., Suhrke and Newland (2001) 121; Loescher (2001) 5–6, 11, 364.

earlier or similar approaches or simply in the experiences that the organisations' employees carry with them. I viewed previous experiences largely in terms of previous sector, organisational and/or staff experience.

I understood these previous experiences as relevant to the extent that policy documents related to the basic assistance policies or respondents referred to any such experiences as relevant to their vulnerability assessment-related work. For the vulnerability assessment design at UNHCR, for instance, I therefore reviewed the headquarters policies to which the assessment refers as well as other assessments which respondents stated as having been relevant to the vulnerability assessment design.

### 3.4.6. THE ORGANISATIONAL STRUCTURE AND CULTURE

The organisational structure and culture of both organisations also shapes and is shaped by each organisation's work. The organisational structure and culture of UNHCR and IOM has been the subject of some, albeit limited, previous research.<sup>241</sup> Key characteristics previous authors mention with regard to the organisational structure and culture at UNHCR are a bureaucratic structure and characteristics such as hierarchy, rigidity and consistency as well as diversity and a lack of professionalism.<sup>242</sup> Key characteristics previous authors mention with regard to the organisational structure and culture at IOM are a dynamic structure and aspects such as an entrepreneurial spirit, an operational orientation, fluidity, opportunism and a focus on knowledge-creation.<sup>243</sup>

I understand the organisational structure and culture as relevant to the extent that respondents refer to any such dynamics as relevant to their work. The categories that I identified on the basis of what appeared to matter most to respondents are: management and coordination, communication, skills, motivation, time pressure and staff turnover (for UNHCR) and flexibility and organisational learning, skills development, communication and respect (for IOM).

## 3.5. CONCLUDING REMARKS

This chapter outlined the themes and concepts on the basis of which the findings in the two case studies are presented. These themes and concepts emerged gradually based on

<sup>241</sup> In particular, previous research on the organisational structure and culture of IOM had been limited at the time of this study.

<sup>242</sup> Harrell-Bond (1985) 5; Loescher (2001) 358–364; Susan Martin, 'Forced Migration and Professionalism' [2001] 35(1) *The International Migration Review* 237; Sandvik (2011) 13, 15, 18–19. Glasman (2017) 355.

<sup>243</sup> Pécoud (2018) 1625, 1629–1634. See also Georgi (2010) 48, 63, 67; Ashutosh (2011) 23; Bradley (2017) 97–98, 101, 102; Julien Brachet, 'Policing the Desert: The IOM in Libya Beyond War and Peace [2016] 48(2) *Antipode* 273; Gardiner Barber and Bryan (2018) 1726; Frowd (2018) 1656, 1658, 1663. Compare also Korneev (2018) 1673.

the data, the literature and the research question. The study relied on these themes and concepts to analyse, interpret, structure and evaluate the case study findings.

The chapter explained which aspects of the vulnerability assessments themselves (Theme 1) and which procedural and substantive administrative dilemmas (Theme 2) were considered relevant for the present study's focus on the transformative potential of vulnerability in basic assistance policies. In addition, the chapter highlighted a number of contextual constraints (Theme 3) that respondents perceived as playing a role in their work with the respective vulnerability-focused basic assistance policies.

The central message this chapter sought to convey is that the present study is a critical-interpretive exercise which, while being guided for as much as possible by empirical data, also relies on theoretical assumptions and previous knowledge in order to make sense of the case study findings.<sup>244</sup> In being grounded in the empirical data, the themes and concepts facilitate a normative evaluation of each case study's transformative potential while simultaneously allowing to excavate practical feasibility issues. This seeks to aid thinking along with the two organisations instead of merely imposing normative critique from the outside.

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<sup>244</sup> This is both common in studies that rely on grounded theory methods and inevitable due to the normative starting point and research interest of this study. See Section 1.6 and Chapter 4 for more details on this approach.

**PART II**  
**BACKGROUND TO THE CASE STUDIES**



This part provides background information on the two case studies to help the reader place the study's findings and arguments into perspective. For this purpose, Chapter 4 elaborates upon the methodological choices, data collection and analysis methods and related limitations of this study. Chapter 5 subsequently outlines the main issues regarding the Republic of Sudan's socio-cultural, political and economic context, the country's relations with the international community and the migration situation in Sudan.





## CHAPTER 4

# METHODOLOGY, METHODS AND LIMITATIONS OF DATA COLLECTION AND ANALYSIS

This chapter explains the methodology as well as the methods and limitations of the data collection and analysis of the two case studies. The chapter starts by providing an overview of the most relevant methodological considerations (4.1). Subsequently, the chapter outlines how the study tried to ensure the quality and trustworthiness of this research (4.2). The chapter then explains the choices regarding the data collection methods and outlines the data collection process (4.3) before elaborating on the different steps involved in the data analysis (4.4). Lastly, the chapter points out practical limitations and the limitations resulting from these data collection and data analysis choices in this study (4.5).

To recapitulate, the main research question this study seeks to answer is the following:

How can the vulnerability focus in basic assistance policies by UNHCR and IOM in Khartoum (Sudan) contribute to the vulnerability notion's alleged transformative potential for the realisation of universal human rights?

In essence, the case studies sought to shed light on the complexities of potential influences, preferences, choices and challenges that underlie the content and form of a vulnerability assessment. I was interested in diversity and variation rather than sameness or representativeness.<sup>245</sup> During the research process I grouped these complexities into administrative dilemmas and contextual constraints as the two central themes that interplay with the design and implementation of the vulnerability assessment (compare Chapter 3).

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<sup>245</sup> Compare, e.g., Corbin and Strauss (2008) 156.

## 4.1. METHODOLOGY

### 4.1.1. TWO COLLECTIVE CASE STUDIES AND THE GROUNDED THEORY METHOD

The study relies on two collective case studies that were analysed through Corbin and Strauss' grounded theory method.<sup>246</sup> This section explains why this combination of case studies and grounded theory method was adopted and how both approaches are thought to complement each other.

Case study research can be understood in a large variety of different ways.<sup>247</sup> For the purposes of the present study, a case is defined as "a unit around which there are boundaries" and a case study is viewed as "an intensive, holistic description and analysis of a bounded phenomenon such as a program, an institution, a person, a process, or a social unit".<sup>248</sup> The present analyses of UNHCR's and IOM's vulnerability-focused basic assistance policies are case studies because the objects of these two case studies are clearly delimited (namely two specific vulnerability-focused basic assistance policies). This delimitation is "the single most important" distinguishing feature of a case study compared to other qualitative research methods.<sup>249</sup>

The present study relies on case studies because they allow for an in-depth inquiry into the specific context of the case.<sup>250</sup> Such an in-depth exploration of cases appears sensible for this study in light of the lack of previous research on the present study's topic. Moreover, case studies are well-equipped and common for answering research questions that have evolved from a critical theory paradigm – thereby fitting well with this aspect of the present study's critical-pragmatist epistemology.<sup>251</sup> Moreover, a case study set-up also makes sense considering the fact that the research project is interested in two different organisations (UNHCR and IOM) which easily form the foundation for two different cases.<sup>252</sup>

The case studies in this research project can best be understood as interpretive case studies that aim "to develop conceptual categories".<sup>253</sup> The present study did not follow a more positivistic approach to case study research since this would be difficult to

<sup>246</sup> On this grounded theory method see Corbin and Strauss (2008). The present study's application of this grounded theory method is outlined in Section 4.4 below.

<sup>247</sup> Compare, e.g., Bedrettin Yazan, 'Three Approaches to Case Study Methods in Education: Yin, Merriam, and Stake' (2015) 20(2) *The Qualitative Report* 134–152.

<sup>248</sup> Sharan Merriam, *Qualitative Research and Case Study Applications in Education* (Jossey-Bass 1998), xiii, 27. Cited in Yazan (2015) 149–150.

<sup>249</sup> Merriam (1998) 27. Cited in Robert McLeod and Kevin Laws, *Case Study and Grounded Theory* (2004) <<https://www.semanticscholar.org/paper/Case-study-and-grounded-theory-%3A-Sharing-some-with-McLeod-Laws/0c9984659342d356f4dbdf5dc0fc7732c18fa936>> accessed 29 December 2019, 6.

<sup>250</sup> Robert Yin, *Case Study Research: Design and Methods 5<sup>th</sup> edition* (Sage Publications 2013) 5–6. Merriam (1998) 8. Cited in McLeod and Laws (2004) 4.

<sup>251</sup> Raymond Morrow and David Brown, *Critical Theory and Methodology* (Sage Publications 1994) 251. On critical pragmatism see Section 1.5 of this study.

<sup>252</sup> On why these two organisations were chosen see Sections 1.3 and 4.1.3.

<sup>253</sup> Merriam (1998) 22–29; Cited in McLeod and Laws (2004) 5.

reconcile with the epistemological paradigm of critical pragmatism which emphasises the importance of social construction and interpretation.<sup>254</sup> An interpretivist, exploratory approach was considered most sensible due to the limited previous research on the link between vulnerability as normative ideal and as practical policy concept and similarly limited previous participatory research on the internal workings of UNHCR and IOM.

The present study complements this approach to case study research with a grounded theory method analysis. This combination is common in qualitative research projects – possibly due to the fact that the grounded theory method is more concerned with the function of the approach while the designation ‘case study’ says more about the form of the research.<sup>255</sup> In the present study, the combination of case studies and a grounded theory method was considered useful because grounded theory methods can link empirical observation and scientific inquiry by using “systematic procedures for analysing data collected from case studies”.<sup>256</sup> Moreover, both case studies and grounded theory methods focus on contextualised knowledge and are particularly well-suited for studying processes – two characteristics that are essential to the present study.<sup>257</sup> Lastly, since case studies are common in critical research while grounded theory methods are the essence of pragmatist research, the combination of both fits well with the present study’s critical-pragmatist paradigm.<sup>258</sup>

Similar to the diversity of approaches that exist in case study research, there is no single grounded theory method but an increasing number of varieties.<sup>259</sup> The present study relies on Corbin and Strauss’ grounded theory method as most suitable for analysing case studies.<sup>260</sup> This grounded theory method is largely inductive and “not based on validation [...] of an existing theoretical framework but on [...] constantly comparing and interpreting empirical data and developing theoretical concepts/constructs based on these data”.<sup>261</sup> As such, “each case is not investigated in a similar way but rather, the learning from one case is used for the investigation of the next case” and the end result “is an ever developing, unproven theory [or themes and concepts] that can be formulated as a set of propositions”.<sup>262</sup> This is how the data in the present case

<sup>254</sup> For a more positivistic approach see Yin (2013) 13. For a comparison of the three major approaches to case studies (Stake, Yin, Merriam) see Yazan (2015).

<sup>255</sup> Merriam (1998) 20; Cited in McLeod and Laws (2004) 3.

<sup>256</sup> Mohanad Halaweh, Christine Fidler and Steve McRobb, ‘Integrating the Grounded Theory Method and Case Study Research Methodology Within IS Research: A Possible ‘Road Map’ [2008] 165 ICIS 2008 Proceedings <<https://aisel.aisnet.org/icis2008/165>> accessed 29 December 2019, 7.

<sup>257</sup> Compare, e.g., McLeod and Laws (2004) 6–7; Corbin and Strauss (2008) 8.

<sup>258</sup> See Section 1.5 on critical pragmatism.

<sup>259</sup> Compare, e.g., Corbin and Strauss (2008) viii.

<sup>260</sup> Compare, e.g., Halaweh, Fidler and McRobb (2008).

<sup>261</sup> Peter Swanborn, *Case-study’s, Wat, wanneer en hoe?* (Boom 1996), 23. Cited in Harm-Jan Steenhuis and Erik de Bruijn, ‘Building Theories from Case Study Research: The Progressive Case Study’, *Operational Management in the New World Uncertainties: Proceedings of the 17<sup>th</sup> Annual Conference of the Production and Operations Management Society* (Production and Operations Management Society 2006) 6.

<sup>262</sup> Swanborn (1996) 23. Cited in Steenhuis and de Bruijn (2006) 6.

studies was analysed to arrive at propositions regarding the administrative dilemmas and contextual constraints that are relevant for the design and implementation of the vulnerability-focused basic assistance policies in each case (see also Chapter 3 and Section 4.4).

A crucial element of Corbin and Strauss' grounded theory method lies in understanding ideas and concepts *as invented* (and not as discovered) and in, nevertheless, viewing these inventions as "correspond[ing] to something in the real world".<sup>263</sup> The present study therefore understands the invention and use of the themes, concepts and categories outlined in Chapter 3 as crucial to the analysis because they allow "ways of talking about and arriving at shared understandings among professionals".<sup>264</sup> According to Corbin and Strauss, their grounded theory method is suitable for the development of such themes, concepts and categories, even if the research aim is not to develop an entire grounded theory.<sup>265</sup> With this approach the present study aims to generate pragmatically useful research findings that do not pretend to present an objective truth but do also not get lost in ultimate relativism.

#### 4.1.2. GENERALISABILITY

Qualitative research is generally heralded for its ability to "celebrate richness, depth, nuance, context, multi-dimensionality and complexity".<sup>266</sup> As such, it "aims to produce rounded and contextual understandings on the basis of rich, nuanced and detailed data".<sup>267</sup> This is particularly important in the present study which focuses on exploring the diverse administrative dilemmas and contextual constraints which underlie the content and form of vulnerability assessments – a research interest that would be impossible to explore through quantitative research. Yet, the nuance and complexity of qualitative research also raises the question whether and to what extent it is possible to generalise qualitative findings without losing this valuable nuance and complexity.

To clarify the present study's position in this respect, this section provides a short overview of different perspectives on generalisability in case study research and explains the present study's approach. The views in the literature on the meaning and content of generalisation from case studies diverge. Four approaches appear particularly distinct and are therefore shortly outlined below: naturalistic generalisation, analytic generalisation, extrapolation and generalisation as possibility. While the first two approaches are of limited value for the present study, a combination of the last two approaches appears more appropriate to follow.

<sup>263</sup> Corbin and Strauss (2008) 10.

<sup>264</sup> Corbin and Strauss (2008) 8.

<sup>265</sup> Corbin and Strauss (2008) 16.

<sup>266</sup> Jennifer Mason, *Qualitative Researching* (Sage Publications 1996) 1.

<sup>267</sup> Mason (1996) 3.

First, Stake suggests that the best way to generalise is “naturalistic generalization”.<sup>268</sup> This means that, rather than providing explicit generalisations, the researcher should merely highlight diverging or similar studies or broader theories in the literature so as to “provide bases for knowing the validity and relevance” of any generalisations a reader might make.<sup>269</sup> This approach is of limited value for the present study due to the study’s desire to not only conduct empirical research but to also critically reflect upon the findings from a normative perspective. Naturalistic generalisation does not generalise sufficiently to allow for critical reflection: Leaving generalisations to the reader would mean having to limit the critical arguments and normative perspective from which to view the empirical findings. This would make it challenging to adequately answer the main research question about the transformative potential of a vulnerability focus in basic assistance policies.

Second, Yin refers to “analytic generalization” which can be used both in single and multiple case studies.<sup>270</sup> He emphasises that multiple cases are not “sampling units” but “multiple experiments” which means that, in order to generalise, “a previously developed theory is used as a template with which to compare the empirical results of the case study”.<sup>271</sup> This positivistic understanding of generalisations is of limited value for the present study since any systematic comparison would compromise the diversity and nuance of this study’s findings and would not fit with the exploratory, interpretive nature of the case studies.<sup>272</sup>

Third, Alasuutari prefers to not speak of generalisation but of “extrapolation” in which findings are related to broader frameworks.<sup>273</sup> As such, case studies are broadened by searching for contrary and parallel cases in subsequent studies and/or in the literature.<sup>274</sup> This understanding of generalisation is reflected in the present study’s approach in three ways: 1) in using the first case study as foundation upon which to build the analysis of the second case study, 2) in relating these findings to existing literature and 3) in seeking to develop a set of propositions.<sup>275</sup>

Fourth, Peräkylä views generalisability again slightly differently, namely as “possibility”, and asserts that “[t]he possibility of various practices can be considered generalizable even if the practices are not actualized in similar ways across different settings”.<sup>276</sup> He suggests that, in his study on HIV/AIDS counselling, the social

<sup>268</sup> Robert Stake *The Art of Case Study Research* (Thousand Oaks 1998), 86–88.

<sup>269</sup> Stake (1998) 86–88.

<sup>270</sup> Yin (2003) 39.

<sup>271</sup> Yin (2003) 38.

<sup>272</sup> Compare, e.g., Stake (1998) 7–9; Halaweh, Fidler and McRobb (2008) 7–8.

<sup>273</sup> Pertti Alasuutari, *Researching Culture: Qualitative Method and Cultural Studies* (Sage Publications 1995) 155–156. Cited in David Silverman and Amir Marvasti, *Doing Qualitative Research: A Comprehensive Guide* (Sage Publications 2008) 171.

<sup>274</sup> Alasuutari (1995) 155–156. Cited in Silverman (2008) 171.

<sup>275</sup> Swanborn (1996) 23. Cited in Steenhuis and de Bruijn (2006) 6.

<sup>276</sup> Anssi Peräkylä, ‘Reliability and Validity in Research based on Naturally Occurring Social Interaction in David Silverman (ed.), *Qualitative Research: Theory, Method and Practice, Second Edition* (Sage Publications 2004) 297. Cited in Silverman (2008) 171–173.

practices identified in the findings “were not generalisable as descriptions of what other counsellors or other professionals do with their clients; but they were generalisable as descriptions of what any counsellor or other professional, with his or her clients, *can* do, given that he or she has the same array of interactional competencies”.<sup>277</sup> The considerations and issues which emerge in the design and implementation of a vulnerability assessment for basic assistance to non-citizens in the present case studies might not always be the same in other contexts. Yet, in following Peräkylä’s understanding of generalisability there certainly remains the *possibility* that similar practices also emerge in other settings than at UNHCR or IOM in Khartoum. It is this pragmatic desire to highlight the breadth and diversity of general possibilities that guide the present study’s generalisation efforts.

Understanding generalisation along the lines of Alasuutari and Peräkylä does not mean that the present study denies differences between the two cases.<sup>278</sup> To the contrary, such a ‘light’ generalisation seeks to maintain the complexity of each case while at the same time being able to make statements that are potentially relevant beyond the specific cases under investigation. The extent of this study’s generalisations with regard to the empirical findings from the two case studies is outlined in Chapter 14 (Sections 14.1 and 14.2).

In addition, the study develops a number of normative arguments. After all, the study started as a normative inquiry and the empirical case studies sought to enrich this normative debate. The normative conclusions outlined in Chapter 14 (Sections 14.3 – 14.5) are thus inspired by the two case studies but go beyond the study’s empirical findings and generalisations. This approach is taken since it would otherwise not be possible to draw relevant conclusions for the normative issues outlined in Chapters 1 and 2 of this study.

#### 4.1.3. THEORETICAL SAMPLING AND CASE SELECTION

Awareness about the sampling strategy and case selection of the present study can help to understand the possibilities for generalisation and the differences between both cases. This section therefore outlines the sampling strategy as well as the rationales underlying the present study’s choice of 1) organisations (UNHCR and IOM), 2) country (Sudan), 3) specific context (Khartoum) and 4) specific policies (basic assistance).

In line with what is common in grounded theory methods, the study relied on theoretical sampling. This means that the cases were selected based on their relevance to the research question and theoretical starting points outlined in Chapter 1.<sup>279</sup> Hence, the study selected cases that could shed light on the transformative potential

<sup>277</sup> Peräkylä (2004) 297. Cited in Silverman (2008) 171–173.

<sup>278</sup> See also Section 4.5.5.

<sup>279</sup> Mason (1996) 124–125.

of a vulnerability focus in basic assistance policies.<sup>280</sup> However, while the present study sought to sample theoretically, the case selection also depended on the access that could be negotiated (see Section 4.3.1). As such, the case selection evolved from a combination of several pragmatic choices and theoretical considerations.<sup>281</sup>

This sampling strategy resulted in Case 1 being a vulnerability assessment by UNHCR Khartoum that is used for determining the eligibility for basic assistance of asylum seekers and refugees and Case 2 being several vulnerability assessments by IOM Khartoum that are used for screening migrants and prioritising the provision of basic assistance in IOM's so-called Migrant Resource and Response Centre (MRRC).

First, UNHCR and IOM were selected since the two organisations are the primary actors in the international governance of migration and, in particular, in the coordination of any humanitarian response for uprooted and displaced populations (see also Chapter 1). Their best and worst practices as well as their discursive authority on vulnerability are thus particularly influential and crucial to understand when reflecting upon the transformative potential of vulnerability for the realisation of universal human rights.<sup>282</sup>

Second, the study focuses specifically on the country of Sudan. This selection was made for practical reasons since I lived in Khartoum from July 2017 – July 2019. Yet, despite this pragmatic choice, Sudan was considered suitable because it offers a unique migration complexity as country of origin, transit and destination for refugees and other migrants.<sup>283</sup> Additionally, at the time of research, Sudan was economically devastated, under the dictatorship of long-term ruler Omar Al Bashir and a very much forgotten and protracted crisis that barely anybody appeared to be interested in (see also Chapter 5). Such a 'worst case scenario' was thought to be particularly insightful because it could help to understand which aspects of any alleged transformative potential of vulnerability would still be feasible to integrate into a vulnerability-focused basic assistance policy despite very unfavourable contextual conditions.

Third, the study focuses exclusively on the situation in Sudan's capital Khartoum. This choice was made for several reasons: 1) I was unable to negotiate access to any of the refugee camps, 2) the vulnerability assessments at both organisations were most elaborate in the urban context and 3) both organisations had their country offices in Khartoum which allowed me to investigate both the design and the implementation of the vulnerability-focused basic assistance policy and gave me access to the largest number of respondents. Additionally, this focus on the urban context turned out to be particularly insightful because this context is generally more difficult to control and monitor than the camp context. Both organisations therefore considered accessing, selecting and assisting potential beneficiaries in an urban environment as more complex than in a camp. The urban context therefore further contributes to the 'worst

<sup>280</sup> Mason (1996) 124–125.

<sup>281</sup> Compare, e.g., Corbin and Strauss (2008) 151–153.

<sup>282</sup> Flegar (2018). See also, e.g., Bradley (2017).

<sup>283</sup> Compare Chapter 5.

case scenario' which offers an intriguing challenge to the transformative potential of vulnerability.

Fourth, the selection of the specific policies was the most challenging part of the theoretical sampling. I did not have specific policies in mind when starting the data collection since I first had to get an idea of which policies at each organisation rely on a vulnerability assessment. The focus on a specific policy only emerged gradually through participant observation and, in the case of IOM, continued access negotiations and interactions with IOM employees. Based on my knowledge about the topic I used four criteria for the selection of the respective policies, namely: whether the policy 1) contained a specific mechanism or assessment to identify vulnerability, 2) identified individual rather than community- or population-related vulnerability, 3) was at least partially aimed at providing some form of basic assistance and 4) played a prominent enough role in the organisations' work so as to allow for the collection of relevant and insightful data. I relied on these criteria to ensure that the selected policies would be as relevant as possible for answering the study's main research question. This selection does not necessarily mean that there were no other policy areas in which vulnerability might also have played an explicit or implicit role at each organisation.<sup>284</sup>

## 4.2. QUALITY ASSURANCE AND TRUSTWORTHINESS

Since the research project adopts a critical-pragmatist perspective and in order to underline the importance of not "judging interpretive research by using positivist criteria", this section provides an overview of the criteria for quality assurance that were taken into consideration in the present study (4.2.1 – 4.2.4).<sup>285</sup> The study sought to achieve trustworthiness by taking Shenton's criteria of credibility, transferability, dependability and confirmability into account for as much as possible despite the challenging research environment in Sudan.<sup>286</sup> Additionally, this section highlights how the study sought to meet quality assurance criteria that are relevant for *critical* interpretive research (4.2.5).

### 4.2.1. CREDIBILITY

Table 3 below provides an overview of Shenton's 14 criteria of credibility and highlights which of these criteria the present study sought to adhere to. The only criterion that

<sup>284</sup> Compare Chapters 6 and 10.

<sup>285</sup> Compare, e.g., Pozzebon (2004) 276.

<sup>286</sup> Yin speaks of construct and internal validity for credibility, external validity for transferability and reliability for dependability. Yin (2003) 34. According to Pozzebon, Shenton's criteria can be considered as equivalent to internal validity, external validity, reliability and objectivity in quantitative research but are the more adequate equivalent for qualitative research. Pozzebon (2004) 280. Shenton's criteria are also commonly used in grounded theory methods. Compare, e.g. Halaweh, Fidler and McRobb (2008).



could not be addressed was the “random sampling of individuals serving as informants [i.e. respondents]” since the group of respondents (i.e. employees involved in the respective policies) was so small in each case that I could simply interview everyone involved.<sup>287</sup> This section explains how the study tried to adhere to the other 13 criteria.

**Table 3: Shenton’s 14 Criteria for Credibility<sup>288</sup>**

Shenton’s Credibility Criteria	In This Study
“Adoption of appropriate, well recognised research methods”	✓
“Development of early familiarity with culture of participating organisations”	✓
“Random sampling of individuals serving as informants”	(X)
“Triangulation via use of different methods, different types of informants and different sites”	✓
“Tactics to help ensure honesty in informants”	✓
“Iterative questioning in data collection dialogues”	✓
“Negative case analysis”	✓
“Debriefing sessions between researcher and superiors”	✓
“Peer scrutiny of project”	✓
“Use of ‘reflective commentary’”	✓
“Description of background, qualifications and experience of the researcher”	✓
“Member checks of data collected and interpretations/theories formed”	✓
“Thick description of phenomenon under scrutiny”	✓
“Examination of previous research to frame findings”	✓

“Adoption of appropriate, well recognised research methods”: I sought to carefully consider different types of research methods and, in light of the lack of previous research on the specific topic of this study, found that an exploratory approach would be most appropriate to answer the research question. Two similar doctoral research projects were particularly instructive in terms of the methods they used: a socio-legal research with two case studies on the concept of intersectionality and a social policy/social work research on the concept of vulnerability.<sup>289</sup> This, as well as more general reflections and literature about qualitative methods led me to conclude that a combination of desk research, participant observation (inclusive unstructured interviews) and semi-structured interviews seemed most sensible in terms of data collection and that, in line with grounded theory methods, the data analysis would have to use sensitizing concepts and be open and exploratory for the first case study (UNHCR) while, on the basis of the first case study findings, being more structured for the second case study (IOM).

<sup>287</sup> Andrew Shenton, ‘Strategies for Ensuring Trustworthiness in Qualitative Research Projects’ [2004] 22 *Education for Information*, 73. See Section 4.3.5 below for a note on the number of respondents.

<sup>288</sup> Shenton (2004), 73.

<sup>289</sup> Brown (2013) and Lorena Sosa, *At the Centre or the Margins: A Review of Intersectionality in the Human Rights Framework on Violence against Women* (PhD Thesis, University of Tilburg 2015).

“Development of early familiarity with culture of participating organisations”: I familiarised myself with both organisations by visiting their headquarters and meeting with employees working on vulnerability, by attending a summer school organised by IOM which gave me the opportunity to meet a diverse range of employees from UNHCR and IOM from all over the world and by conducting a review of publicly available policy documents of both organisations before moving to Sudan. Moreover, once in Sudan, I gathered as much knowledge and information about each organisation and their work in Sudan through conversations with donors, potential beneficiaries and people employed at national and international partners of the organisations before embarking upon the actual data collection.

“Triangulation via use of different methods, different types of informants and different sites”: I sought to achieve method triangulation by combining desk research, participant observation (inclusive unstructured interviews) and semi-structured interviews. This allowed me to cross-check respondent’s arguments against what they had said in earlier informal conversations or towards colleagues, what the official documents mentioned on the respective issue and what I had observed about the respective respondent and/or issue during participant observation. Moreover, I triangulated the data through interviewing both case workers and their superiors which allowed me to understand the respective issues from different perspectives. It also helped my analysis to exchange ideas about some of my interpretations, observations and findings with staff from donor and partner agencies whom I met coincidentally during my stay in Sudan. I tried to achieve some site triangulation by focusing on two rather than one organisation “so as to reduce the effect on the study of particular local factors peculiar to one institution”.<sup>290</sup> Ideally, more case studies of the same organisations in different country contexts could have improved the site triangulation but, due to time and resource constraints, it was not feasible to conduct such additional case studies within the framework of this study.

“Tactics to help ensure honesty in informants”: I sought to ensure the honesty of respondents by giving them opportunities to refuse participation. This meant that data was only collected from “those who are genuinely willing to take part and prepared to offer data freely”.<sup>291</sup> One potentially relevant respondent at UNHCR refused to be interviewed while all other potentially relevant respondents willingly agreed to participate. Moreover, respondents were “encouraged to be frank from the outset” by clarifying that there are no right or wrong answers, that everything will be anonymised and that the research is conducted independently in order to improve and not to harm the organisations in any way.<sup>292</sup> My presence at the organisation as participant observer as well as more informal, unstructured interviews with many respondents prior to the semi-structured interviews also seemed to help most respondents to trust me and to be open and frank during the interviews (see below under participant observation). If respondents appeared hesitant to answer a certain question I encouraged them by

<sup>290</sup> Shenton (2004), 66.

<sup>291</sup> Shenton (2004), 66–67.

<sup>292</sup> Shenton (2004), 66–67.

emphasising their anonymity and by rephrasing the question so as to nevertheless make the respondents share their honest perception of the respective issue.

“Iterative questioning in data collection dialogues”: I relied on iterative questioning by repeating and comparing crucial questions to respondents in in-depth conversations during the participant observation and during the semi-structured interviews wherever feasible.<sup>293</sup> Moreover, I repeatedly raised the same issues in different ways during the semi-structured interviews to see whether the answers would remain congruent. Any discrepancies are most likely explained by the language barrier but I nevertheless tried to draw attention to any such discrepancies when reporting my findings.<sup>294</sup>

“Negative case analysis”: I used several interpretation techniques, including negative case analysis (compare Section 4.4.2). This entailed going back and forth between the codes/categories and data so as to ensure that the final themes, concepts and categories (outlined in Chapter 3) would “account for all instances of the phenomenon involved, even if some of the types embrace only one instance”.<sup>295</sup> If statements by respondents diverged from, or contradicted, one another I sought to exhibit these diverging opinions when reporting the findings.

“Debriefing sessions between researcher and superiors”: Although such sessions were challenging due to the distance between the Netherlands and Sudan, the different steps and progress of the data collection and analysis as well as any doubts and choices were discussed with my supervisors to test and adjust my developing ideas and interpretations and to help me recognise my own biases and preferences.<sup>296</sup> In addition, comments on draft chapters were particularly useful for reconsidering and sharpening my findings and argumentation.

“Peer scrutiny of project”: I engaged extensively in opportunities for peer scrutiny through presentations at several international academic conferences and seminars in different fields (e.g. human rights, migration, vulnerability, political science, history) as well as interactions with policy makers and other professionals in the field of study (e.g. employees from NGOs working on migration issues, employees from other UN Agencies such as the UN Development Programme (UNDP) and the UN Children’s Fund (UNICEF) and employees from Dutch government agencies such as the Ministry of Justice and Security, the Ministry of Foreign Affairs and the Immigration- and Naturalisation Service) over the course of the research project. Moreover, I submitted different elements of the project for publication and the feedback received from this feedback process also helped me to further develop the overall ideas of the project. Frequent chats with colleagues in the fields of sociology, human rights, migration law and migration studies, public administration, history and political science offered additional valuable feedback and fresh perspectives that contributed to sharpening my research design and argument. Comments on draft chapters by peers and colleagues were equally useful in this respect.<sup>297</sup>

<sup>293</sup> On feasibility see also limitations in Section 4.5.1 and 4.5.2.

<sup>294</sup> Shenton (2004), 67.

<sup>295</sup> Shenton (2004), 67.

<sup>296</sup> Shenton (2004), 67.

<sup>297</sup> Shenton (2004), 67.

“Use of ‘reflective commentary’”: I recorded my impressions and emerging patterns throughout the data collection and analysis. In addition, Chapter 3 and Section 4.3.2 below elaborate on how and why the central themes, concepts and categories evolved throughout the research process. Moreover, Sections 4.3.1 (set-up and access), 4.4.1 (data analysis approach) and 4.5 (limitations) showcase the evolving research design and the limitations of the study’s methodological choices.<sup>298</sup>

“Description of background, qualifications and experience of the researcher”: I included information about my own background in the About the Author section of this study and explained my perspective, starting points and normative position in Chapters 1 – 3. Moreover, the “approvals given to the project by those providing access to the organisation and individual participants” are elaborated upon in Section 4.3.1 below.<sup>299</sup>

“Member checks of data collected and interpretations/theories formed”: I let respondents read and comment on the transcripts of their semi-structured interviews with an emphasis on “whether the informants consider that their words match what they actually intended”.<sup>300</sup>

“Thick description of [the] phenomenon under scrutiny”: I sought to achieve such a thick description when reporting upon the findings so as to “convey the actual situations that have been investigated”.<sup>301</sup> As such, I included detailed information on the background and context of each case (Chapters 5, 6 and 10). Moreover, I sought to illustrate the themes, concepts and codes I developed with quotes from the interviews and/or field notes for as much as possible in the chapters presenting the findings (Chapters 7, 8, 11 and 12).<sup>302</sup> In addition, the same chapters also include the questions to which respondents replied and contextualise the respondents’ replies where relevant (while simultaneously trying to keep the interpretation and discussion of the findings for the respective discussion chapters, i.e. Chapters 9 and 13).

“Examination of previous research to frame findings”: I sought to relate the research findings to the existing body of literature on the two organisations, on vulnerability and on social/humanitarian policy and reflected upon the degree of congruency between the literature and my findings in Chapters 2, 3 and 14.<sup>303</sup>

#### 4.2.2. TRANSFERABILITY

Shenton asserts that “the findings of a qualitative project are specific to a small number of particular environments and individuals” which makes it “impossible to demonstrate that the findings and conclusions are applicable to other situations and populations”.<sup>304</sup>

<sup>298</sup> Shenton (2004), 68.

<sup>299</sup> Shenton (2004), 68.

<sup>300</sup> Shenton (2004), 68.

<sup>301</sup> Shenton (2004), 68.

<sup>302</sup> Shenton (2004), 68.

<sup>303</sup> Shenton (2004), 68.

<sup>304</sup> Shenton (2004), 69.

Yet, “although each case may be unique, it is also an example within a broader group” which means that there might be some “prospect of transferability”.<sup>305</sup> Hence, he emphasises the need for providing “sufficient contextual information about the fieldwork sites” so as to allow the reader to transfer the findings to their own context.<sup>306</sup>

This is a particular important consideration for the present study in light of the above-described understanding of generalisability (Section 4.1.2). It is for this reason that the present study includes background information about the country context (Chapter 5), the organisations (Chapters 6 and 10), the type and number of respondents (Section 4.3 and introductions of Chapters 7, 8, 11 and 12) and the data collection process, time period and methods (Section 4.3).<sup>307</sup>

### 4.2.3. DEPENDABILITY

According to Shenton, reliability is a difficult concept for qualitative research due to “the changing nature of the phenomena scrutinized”.<sup>308</sup> Hence, rather than aiming for reproducibility, qualitative research should ensure dependability (i.e. allowing a future researcher to repeat the work even if not reaching the same results due to the fact that the findings are undeniably linked to the specific time and context of the initial research).<sup>309</sup>

Credibility assurances go a long way in ensuring such dependability.<sup>310</sup> In the present study, I tried to further strengthen the dependability of the findings through a detailed description of “the research design and its implementation” (Chapters 1 – 4) and “the operational detail of data gathering” (Sections 4.3 and 4.4) and by reflecting upon “the effectiveness of the process of inquiry undertaken” (Section 4.5).<sup>311</sup>

### 4.2.4. CONFIRMABILITY

Objectivity remains a continuous challenge for science “since, as even tests and questionnaires are designed by humans, the intrusion of the researcher’s biases is inevitable”.<sup>312</sup> Yet, as Corbin and Strauss point out, this is not necessarily a negative thing since “after all, persons are the products of their cultures, the times they live in, their genders, experiences and training”.<sup>313</sup> It is especially a researcher’s training in the form of professional expertise and theories that inform one’s research consciously or

<sup>305</sup> Shenton (2004), 69.

<sup>306</sup> Shenton (2004), 69–70.

<sup>307</sup> Shenton (2004), 70.

<sup>308</sup> Shenton (2004), 71.

<sup>309</sup> Shenton (2004), 71.

<sup>310</sup> Shenton (2004), 71.

<sup>311</sup> Shenton (2004), 71–72.

<sup>312</sup> Shenton (2004), 72.

<sup>313</sup> Corbin and Strauss (2008) 80–81.

subconsciously in multiple ways and make the researcher sensitive to the data.<sup>314</sup> Hence, especially in qualitative interpretive research, the findings that are presented are the “data talking through the ‘eyes’ of the researcher”.<sup>315</sup>

For this reason qualitative research usually focuses on confirmability instead of objectivity. This means ensuring “that the work’s findings are the result of the experiences and ideas of the informants, rather than the characteristics and preferences of the researcher”.<sup>316</sup> Hence, it is important to recognise and be aware of the researcher’s influences upon the findings and their interpretation for as much as possible.<sup>317</sup>

I sought to achieve as much confirmability as possible by explicating my starting points and normative assumptions (Chapters 1 – 3). Moreover, I reflected upon the meaning and potential limitations of these choices (Chapter 14) as well as upon the limitations of the research design (Section 4.5).<sup>318</sup>

#### 4.2.5. SPECIFIC CRITERIA FOR CRITICAL-INTERPRETIVE RESEARCH

The above criteria focus primarily on interpretive research (i.e. pragmatist, rather than critical-pragmatist research). Since the present study adopts a critical-pragmatist perspective, this section shortly reflects upon whether and how the above quality assurance criteria might differ for *critical*-interpretive research. Pozzebon suggests that authenticity, plausibility, reflexivity and criticality are central quality assurance criteria for *critical*-interpretive research.<sup>319</sup> These aspects somewhat overlap with the above criteria by Shenton, which is why they are only briefly outlined here.

**Authenticity:** Living in Sudan and conducting participant observation in each organisation rather than merely conducting desk research and/or interviews enabled me to strengthen the authenticity of this research.<sup>320</sup> In order to be genuine about the field experience, I attempted to present as much raw data as was feasible (Chapters 7, 8, 11 and 12) and developed the interpretations of this data openly in the discussion chapters (Chapters 9 and 13) rather than merely presenting results.<sup>321</sup>

**Plausibility:** I intended to achieve plausibility by using a conventional structure for presenting the research (background -> findings -> discussion), by describing a rich picture of the findings (Chapters 7, 8, 11 and 12) and by embedding the study in the

<sup>314</sup> Corbin and Strauss (2008) 32–33. See also Chapter 3.

<sup>315</sup> Corbin and Strauss (2008) 32–33.

<sup>316</sup> Shenton (2004), 72.

<sup>317</sup> Corbin and Strauss (2008) 80–81.

<sup>318</sup> Shenton (2004), 72.

<sup>319</sup> Pozzebon (2004) 282.

<sup>320</sup> Pozzebon (2004) 283–4.

<sup>321</sup> Pozzebon (2004) 284.

literature (Chapters 1 – 3 and 14).<sup>322</sup> Moreover, I provided indications on the extent to which the findings could be relevant to other contexts (Chapter 14).<sup>323</sup>

Reflexivity: I sought to achieve reflexivity by providing information about myself and about the specific context (About the Author and Section 4.3.1), by discussing limitations and ways of data contamination (Section 4.5) and by making the study's perspective explicit for as much as possible through an in-depth description of starting points, normative assumptions and emerging themes, concepts and criteria (Chapter 1 – 3).<sup>324</sup>

Criticality: I aimed to achieve criticality by embedding the findings in a normative perspective (Chapter 2) and by critically reflecting both upon the empirical findings in light of the normative perspective and upon the normative perspective in light of the empirical findings (Chapter 14).

## 4.3. DATA COLLECTION

### 4.3.1. SET-UP AND ACCESS

This section outlines the set-up of the data collection as well as the approach and outcome of the access negotiations at each organisation. I lived in Khartoum, Sudan from July 2017 until July 2019. It took several months (August – November 2017) to get in touch and negotiate access for my research with UNHCR and IOM in Khartoum. During this set-up phase I tried to identify the relevant persons at each organisation, establish contact with them and negotiate my way in. I sought access to both organisations through bottom-up and top-down inquiries with employees at each organisation.<sup>325</sup>

It is a common problem for organisational research that researchers usually hold the weaker hand when negotiating access to an organisation because they have little to offer to the respective organisation.<sup>326</sup> I offered my expertise on issues not directly related to the research, a policy brief on challenges and best practices about the identification of vulnerability after my data collection was completed and a copy of the final research report once published. Moreover, I employed the following strategies: I viewed the negotiations as a gradual process rather than making demands too quickly, I aimed for a reciprocal relationship and sought to allow the organisations as well as my research to benefit from the data collection, I tried to deal with the organisations' concerns "openly and honestly", underlined my "professional or personal links" with each organisation and with the research topic and I remained understanding and receptive for any

<sup>322</sup> Pozzebon (2004) 284–5.

<sup>323</sup> Pozzebon (2004) 284–5.

<sup>324</sup> Pozzebon (2004) 288.

<sup>325</sup> Matthew Jones, *Researching Organisations: The Practice of Organisational Fieldwork* (Sage publications 2014) 101.

<sup>326</sup> Jones (2014) 98.

concerns, advice and suggested adjustments from the organisations about “how the fieldwork should proceed”.<sup>327</sup>

Nevertheless, negotiating access proved more difficult than anticipated and it took several different angles and conversations with different staff members before I was granted access. This was most likely due to a combination of complicating factors, most notably: the difficult political situation and related sensitivity of conducting research in Sudan, the widespread postponement-mentality in Sudan, and the general risk aversion of both organisations.

Jones suggests that the outcome of such access negotiations usually depends on the degree of preparation, credibility, persistence, flexibility and luck.<sup>328</sup> Persistence and flexibility turned out to be the decisive elements for my access negotiations. Hence, as mentioned above (Section 4.1.3), the set-up of the research is not merely the outcome of a methodologically ideal research design but also of what was practically feasible (i.e. what I would be allowed to do, observe and record). This is not uncommon for organisational research.<sup>329</sup> According to Jones, fieldwork in organisations is the “art of the possible” and the “revision of research designs in the face of access difficulties that have survived the best efforts to overcome them would seem preferable to not being able to conduct the research at all”.<sup>330</sup>

Once access had been granted, no specific requirements were laid upon my data collection other than the request to not reveal any personal information about the organisations’ beneficiaries (which was obviously not my intention anyway) and the restriction that, whenever I observed case worker-beneficiary interactions, the beneficiary should be informed about my role (which I considered to be in line with ethical research practice anyway). I had to ask permission before using any internal documents but was granted this permission with regard to all documents I intended to use.

#### 4.3.1.1. UNHCR

I negotiated research access to UNHCR Sudan through six different persons at different levels within the organisation. Access was eventually granted by the Deputy Representative of UNHCR Sudan. Since UNHCR is a highly bureaucratised organisation, and due to the organisation’s sensitive relationship with the Sudanese authorities, the outcome of the negotiations was that I would conduct my research under the official ‘tarnishing’ of an internship/consultancy (which involved a lot of formalities such as terms of reference, contracts and health certificates). I was to assist

<sup>327</sup> Andrew Shenton and Susan Hayter, ‘Strategies for Gaining Access to Organisations’ [2004] 22 *Education for Information* 230.

<sup>328</sup> Jones (2014) 103–107.

<sup>329</sup> Jones (2014) 98, 106.

<sup>330</sup> David Buchanan, David Boddy and James McCalman, ‘Getting In, Getting On, Getting Out and Getting Back’ in Alan Bryman (ed.), *Doing Research in Organisations* (Routledge 1988) 67. Cited in Jones (2014) 107.



the Cash-based Interventions Officer for three days/week from mid-November 2017 until April 2018. During these activities I could accompany the officer to internal and external meetings and observe case workers and members of the Internal Review Committee in their decision-making on vulnerability assessments. I was left free to talk to and observe whomever I found relevant for my research. In return I provided assistance in writing reports and assessments, conducting monitoring and evaluation activities and helped the Programme and Protection units to better understand each other's tasks and perspectives. However, in order to keep my influence to a minimum and to maintain my independence as a researcher I merely did this on topics unrelated to the specific vulnerability assessment I was investigating.

My approach for accessing individual respondents at UNHCR can best be described as a mix between "prolonged engagement", a "chameleon" approach and the "use of incentives".<sup>331</sup> I informed all employees about my research but there remained some confusion among some employees about whether I was an intern or a researcher since nobody had formally briefed them about my arrival/role. Most employees were willing to share information and make time for my questions (some even did so extensively) but others seemed to try to avoid me or were generally difficult to reach, evasive, suspicious or did not take the time to answer my questions thoroughly. In order to minimise any obstruction of my findings, I tried to keep any observations and opinions to myself despite being actively involved in UNHCR's work.

#### 4.3.1.2. *IOM*

Arranging my research at IOM took even longer than at UNHCR since, during my first year in Sudan, IOM was dealing with several critical internal issues and crises. I tried to negotiate access through six persons at different levels within the organisation. I was only granted access after several meetings and email exchanges and at a point where I did not expect it to happen anymore at all. The result was a different set-up than at UNHCR and meant that I would conduct an intensive research stay at IOM Khartoum (the Migrant Resource and Response Centre) of three weeks full-time in August 2018. No contribution was expected from my side and I was left free to talk to and observe whomever I found relevant for my research.

The reasons for this different approach were as follows: IOM was concerned about potential impediments to their work and therefore preferred a more intensive but shorter research period than what I had done at UNHCR. Moreover, IOM thought that a mixture of research stay and internship would complicate rather than facilitate things and was therefore willing to grant me access without any formal affiliation with the organisation.

These preferences matched with my own revised research design: during my research at UNHCR I had noticed that the research period could have been shorter since I had already collected all relevant data after about four months of part-time

<sup>331</sup> Shenton and Hayter (2004) 228–229.

engagement. In addition, I had noticed that the combination of an internship and research stay at UNHCR was unfortunate since it confused employees about my role, put myself under additional pressure to provide results on both fronts and made it more challenging to not influence the findings through my comments and actions during the participant observation. Furthermore, a more intensive but compact research design seemed useful since, by now, I knew the Sudanese context well and, in already having analysed the UNHCR data, I knew what I was looking for in terms of potentially relevant administrative dilemmas and contextual constraints. I could therefore use IOM as a test case for the propositions developed on the basis of my findings at UNHCR rather than collecting data in a similarly unstructured and open-ended fashion as at UNHCR. In the end, the shorter research period was thus not only in IOM's interest but also reflected my own advancing preferences and insights after having gained first experiences in empirical organisational research at UNHCR.

My approach for accessing individual respondents at IOM can best be described as a mix of the "use of incentives" and an "[e]mphasis on the value of personal contributions".<sup>332</sup> All employees were aware of my research and had been briefed internally before I started my data collection which resulted in all of them being very curious and very willing to share information, experiences and ideas with me. All employees were very approachable and made time for answering my questions both in an unstructured interview and semi-structured interview setting. In order to minimise my influence on the data I only provided very general information on my research and did not share any opinions or observations with the employees until after I had finished the data collection.

#### 4.3.2. DATA COLLECTION PROCESS, EXPECTATIONS AND ASSUMPTIONS

This section outlines the data collection process as well as the role of my expectations and assumptions in this respect. As is common in qualitative research with an interpretive case study/grounded theory method design, the study grew more focused as it progressed (Parlett and Hamilton speak of "progressive focusing").<sup>333</sup> I started the research in an exploratory fashion with little initial expectations for UNHCR but, based on the findings and experience gained from this first case study, I adopted a more focused approach for the second case study (IOM). The following paragraphs outline what this means and why I adopted this approach.

Investigating the first case in an exploratory fashion served to refine the study's focus and to identify which findings were central for understanding the design and implementation of a vulnerability assessment for basic assistance in the specific context of

<sup>332</sup> Shenton and Hayter (2004) 228–229.

<sup>333</sup> Malcolm Parlett and David Hamilton, 'Evaluation as Illumination: A New Approach to the Study of Innovative Programmes' in Gene Glass (ed.), *Evaluation Studies Review Annual, I* (Sage Publications 1972) 140–157. Cited in Stake (1998) 22. Cited in Yazan (2015) 141.

UNHCR in Khartoum. This allowed me to develop and refine the themes, concepts and categories outlined in Chapter 3. The themes, concepts and categories from this first case study were subsequently relied upon during the second case study at IOM Khartoum.<sup>334</sup>

Hence, with regard to the second case (IOM) I did not conduct the observations and interviews completely open-minded. This more focused approach at IOM was adopted for four main reasons: 1) it was more feasible considering the limited resources and time frame of the research project, 2) I considered it more effective in light of the experiences with data collection and analysis which I had gained during the first case study, 3) it was the outcome of access negotiations, and 4) it allowed for the development of a meaningful argument and improved the relevance of the findings since it meant that the findings from the first case study would be tested and challenged in the second case study. However, despite this more focused approach, I attempted to remain open for new or alternative themes and issues to emerge at IOM (which was indeed the case, as the chapters on IOM reveal).<sup>335</sup>

#### 4.3.2.1. *UNHCR*

Two broad questions guided the initial exploratory research stage at UNHCR: How is vulnerability understood in the design and implementation of the vulnerability assessment and what influences the way in which it is understood? I started my participant observation at UNHCR by first speaking to UNHCR employees engaged in any form of vulnerability assessment and conducting broad and unstructured observations of UNHCR's daily work in Khartoum. Gradually, these conversations and observations on vulnerability grew more concrete and focused on specific issues with regard to the specific vulnerability assessment for basic assistance on which I eventually concentrated. These initial conversations and observations were recorded in field notes.

About half-way throughout the participant observation I conducted a first superficial analysis of my field notes (through questioning and comparison). This served to identify particularly influential elements for understanding the content, choices and challenges of the vulnerability assessment for basic assistance at UNHCR in Khartoum.<sup>336</sup> Several themes emerged from this review: the external environment, interactions with superiors and beneficiaries, the personal experiences and interpretations of the vulnerability assessment, the personal preferences, values and interpretations attached to UNHCR's work, the specific policy and the vulnerability of refugees more generally. Reflecting upon these themes in light of the main research question and the literature on UNHCR, on policies and organisations and on vulnerability in philosophy and social policy,

<sup>334</sup> On subsequent case studies compare, e.g., Swanborn (1996) 23. Cited in Steenhuis and de Bruijn (2006) 6.

<sup>335</sup> Compare also 'other issues' sections in Chapter 3. The fact that the second case study builds on the first case study does not mean that they are assumed to be identical or directly comparable (see also Sections 1.3 and 4.5.5).

<sup>336</sup> On this process compare also, e.g., Corbin and Strauss (2008) 58–60.

allowed me to identify themes, concepts and categories that guided the second part of my research and the semi-structured interviews (compare Chapter 3).

I subsequently focused on these elements during the second half of the participant observation and in the semi-structured interviews. During the last month of the participant observation I conducted and recorded semi-structured interviews with all employees willing to be interviewed and directly involved in the vulnerability assessment for basic assistance at UNHCR Khartoum. I chose to conduct the interviews at the last possible moment to be able to ask the most in-depth questions.

#### 4.3.2.2. *IOM*

The overarching questions which guided this second case study were the same as for the first case study: how is vulnerability understood in the design and implementation of the vulnerability assessment and what influences the way in which it is understood? However, as outlined at the beginning of this section, I started the data collection at IOM with the themes, concepts and categories of Chapter 3 already in mind. Hence, in addition to the knowledge I had prior to the data collection at UNHCR, I started the data collection at IOM with concrete expectations on the basis of my findings from UNHCR. This allowed me to quickly identify meaningful elements for assessing and addressing vulnerability and to refine my protocols for the semi-structured interviews on the basis of the participant observation (observations and unstructured interviews) despite the short research period.

#### 4.3.3. DESK RESEARCH

This section describes the role and content of the desk research – i.e. the review of different types of documents – I conducted for each case study. This desk research served several purposes. First, it helped me to gain a broad picture of the role and understanding of vulnerability at UNHCR and IOM. For that purpose, the policy documents, reports and press statements available on the websites of both organisations were searched for references to “vulnerability” or “vulnerable”.

Second, I conducted desk research to gain an understanding of the country-specific policies regarding the identification of individual vulnerability. This included two types of documents: first, externally available information on each organisation’s policy priorities, budgets and programming and second, internal documents on the vulnerability assessments’ standard operating procedures, planning and guidelines on how to interpret the different vulnerability categories.<sup>337</sup> This review also enabled me to identify the overarching policies relevant to each vulnerability assessment by scanning the documents for references to broader policy frameworks.

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<sup>337</sup> These documents were shared with the researcher during the participant observation.

Third, I reviewed each organisation's records on the number of potential beneficiaries requesting assistance during the research period. UNHCR kept records on eligibility decisions. I reviewed these records to identify the reasons provided for accepting, rejecting or deferring a potential beneficiary's application for financial assistance. IOM kept records on the characteristics of potential beneficiaries approaching IOM. I reviewed these records to get an idea of the age, gender and nationality of potential beneficiaries but the records did not allow me to extract any information on eligibility decisions.

I did not conduct any more thorough dossier analysis since, from what I could see during participant observation, the details, challenges and interpretations of individual vulnerability assessments were not included in the beneficiaries' dossiers. Instead, participant observation revealed that it was more useful to be present when a vulnerability assessment was being conducted and when it was being reviewed: it was during these instances that discussions, controversies and insecurities about the assessment became apparent. These struggles were particularly insightful for answering my research question which is why, in light of time and resource constraints, I decided to only focus on the latter.

#### 4.3.4. PARTICIPANT OBSERVATION

This section describes the ethical considerations, purpose, process and data collected from participant observation in both case studies.

Ethical Considerations: Although I was not directly interested in potential beneficiaries themselves, I did encounter them and they became part of my observations (when I observed case workers conducting vulnerability assessments). In order to protect their identity and limit the influence of my presence I never wrote down their names or asked them any questions. Case workers usually informed potential beneficiaries about the purpose of my presence and asked them for their consent in this respect (which was never refused).

Purpose: My participant observation primarily served to identify the most relevant research focus and to determine which questions to ask during the semi-structured interviews. I therefore relied on the field notes from the participant observation primarily as a supplement to the data collected from the semi-structured interviews. To not grant my own perceptions a more prominent place than the respondents' perspective, I tried to not draw any direct conclusions from the participant observation (see also above Section 4.2 under confirmability).

The participant observation offered three distinct advantages. First, it put me "where the action is" and allowed me to closely observe and learn to understand the "explicit and tacit aspects" of case workers' interactions with beneficiaries, colleagues and

superiors within the organisations.<sup>338</sup> This allowed me to gain a deeper understanding of the work of both organisations and to thoroughly understand the daily working realities of the policy implementers at these organisations. This insider understanding of the working environment helped me to determine the most relevant questions to ask and likely increased the quality of the information collected through the semi-structured interviews.<sup>339</sup> In addition, it helped me to fine-tune the language I would use and the emphasis I would place during the semi-structured interviews.<sup>340</sup>

Second, my presence at both organisations proved crucial for socialising with case workers and other employees that could provide relevant information. The participant observation allowed me to better identify the relevant persons to interview and to get to know them informally before conducting the interview. This likely increased their trust towards me and their willingness to agree to an interview and to share relevant information.

Third, participant observation granted me access to information that I could not have obtained otherwise.<sup>341</sup> It allowed me to cross-check the answers respondents gave during interviews so as to determine the extent to which these answers were individual perceptions or broadly shared within the respective organisation. Moreover, it gave me an idea about whether respondents' replies were socially desirable/strategic answers or whether the respondents were actually convinced by what they were saying. This was the case because participant observation allowed me 1) to get to know the respondents and thereby develop a feeling for when they were holding something back, 2) to distinguish those who replied in organisational jargon from those who were speaking their mind freely, 3) to identify and poke through their general hesitations (primarily related to fears about potentially damaging their careers and/or about being caught saying something critical about the Sudanese authorities) and 4) to reflect upon whether or not their answers during the semi-structured interviews were congruent with their actions as well as with any earlier informal statements recorded during the participant observation.

Process: I had my own desk at both organisations and was there every day for the whole working day throughout the agreed research periods (which meant three days/week at UNHCR and five days/week at IOM). At UNHCR I shared my office with a case worker while at IOM I had my own office.<sup>342</sup> In both cases I was invited to attend some meetings and events but I also had to make an active effort to ensure I was included.

At both organisations my observations focused primarily on the case workers' (and, at UNHCR, the IRC members') daily work with the respective vulnerability-

<sup>338</sup> Russell Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches* (AltaMira Press 2006) 343. Cited in Kathleen DeWalt and Billie DeWalt, *Participant Observation: A Guide for Field Workers, Second Edition* (AltaMira Press 2011) 1–2.

<sup>339</sup> Compare, e.g., DeWalt and DeWalt (2011) 3, 10; Sosa (2015) 251.

<sup>340</sup> Compare, e.g., Sosa (2015) 251.

<sup>341</sup> Compare also Brown (2013), 116–118.

<sup>342</sup> Most employees at IOM had their own offices while all offices (except those of senior officials) at UNHCR were shared offices.

focused basic assistance policy. In addition, I attended internal coordination meetings and group-based interactions with beneficiaries (a community outreach workshop on mental health at IOM and a participatory needs assessment at UNHCR). At UNHCR I also attended external meetings with other agencies (bilateral meetings with WFP as well as several inter-agency coordination or working group meetings) while no such meetings occurred at IOM during the research period.

In both cases, my participant observation included direct observations of case worker/beneficiary- and case worker/superior- interactions and “tacit” knowledge” in the form of informal internal and external observations throughout the whole research period at each organisation.<sup>343</sup> My direct observations were random and frequent which meant case workers had little possibility to only select particular cases for observation. When observing case worker interactions with beneficiaries as well as when observing other meetings I remained a distant and passive observer that did not engage in the interactions and only asked questions afterwards (see below under unstructured interviews). As regards the “tacit” knowledge”, three types of information were collected: 1) descriptive information on the functioning and process of the policy and vulnerability assessment under investigation, 2) administrative dilemmas: the procedural and substantive design and implementation issues that basic assistance providers commonly encounter in their work with a vulnerability assessment and have an opinion on and 3) contextual constraints: the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy.<sup>344</sup>

Recording and Confidentiality: I regularly recorded my findings in field notes – usually on the same day of the observations and in as much detail as possible.<sup>345</sup> These field notes primarily included information on what had occurred and how I made sense of it. However, sometimes other elements came to mind (such as methodological limitations or theoretical connections) which I then noted separately. These notes were not shared with anyone and the employees I had observed were ensured of their own and the potential beneficiaries’ anonymity.

Unstructured Interviews: In addition to direct observation and the collection of tacit knowledge, my participant observation included unstructured interviews with employees whenever the circumstances allowed. These interviews were not scheduled but meant that, after a direct observation, I would usually ask the respective employees questions regarding their choices, doubts and experiences in relation to what I had just observed. These conversations were roughly guided by questions about why the case worker thought the person approached the organisation, why a choice to (not) provide assistance/protection was made and why the case worker thought the person was (not) vulnerable. In addition, I asked employees about the policy objectives, the policy process and their experiences with the respective policies or organisations more generally. All these unstructured interviews were recorded in field notes during the conversation or

<sup>343</sup> Compare also Brown (2013), 110–111.

<sup>344</sup> As defined in Section 1.7. Compare also Chapter 3 for details.

<sup>345</sup> DeWalt and DeWalt (2011) 2–3.



immediately thereafter and served as background information, verification tool and guidance for the semi-structured interviews.

#### 4.3.5. SEMI-STRUCTURED INTERVIEWS

This section focuses on the purpose, procedure, sampling and data collected from the semi-structured interviews conducted for each case study.

Purpose: I considered semi-structured interviews most suitable for understanding the relationship between the formal vulnerability assessment design and the diverse individual experiences and interpretations thereof during the implementation of the respective vulnerability assessments.<sup>346</sup> Semi-structured (as compared to structured or unstructured) interviews allowed me to collect the relevant information on the issues I had identified during participant observation while simultaneously leaving enough leeway to include additional elements or diverging opinions and to ask in-depth questions rather than to merely collect standardised and/or more superficial knowledge.<sup>347</sup>

Confidentiality, Interview and Recording Procedure: The semi-structured interviews were conducted at the end of each participant observation period so as to maximise my familiarity with the respondents and the context and thereby increase the depth of the data collected during these interviews. Hence, the interviews were conducted in March – April 2018 for UNHCR and in August 2018 for IOM. All interviews were individual interviews that I had scheduled with the respective respondents in advance. Most interviews were held in English (except for two interviews in German) and, depending on the level of involvement of the respondent in the policy under investigation, lasted between 30 minutes to 1.5 hours.<sup>348</sup> The interviews were tape-recorded and transcribed whenever permission was given to do so. If no permission for tape-recording was given (as was the case with three respondents at UNHCR), the interviews were recorded through note-taking. I chose the locations for the interviews depending on the possibility for an uninterrupted and open conversation so as to ensure an interview environment in which the respondents would feel comfortable to answer my questions openly and honestly.<sup>349</sup> All participants were

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<sup>346</sup> Compare, e.g., Brown (2013), 110–111.

<sup>347</sup> Compare, e.g., Brown (2013), 110–111. See also, e.g. Bart Cambré and Hans Waegel, 'Kwalitatief onderzoek en dataverzameling door open interviews' in Jaak Billiet and Hans Waegel. (eds.), *Methoden van Sociaal-Wetenschappelijk Onderzoek* (Standaard 2001) 315–316, 323.

<sup>348</sup> Two interviews were held in German because the respondents felt that it would be easier for them to express themselves. I offered all respondents who spoke the respective languages to choose between either German, English or Dutch (since I felt minimising any possible language barrier could be beneficial to the openness and honesty of the respondents).

<sup>349</sup> Hence, the interviews were mostly held in closed rooms on the premises of each organisation. However, two interviews took place in a café, one interview at the respondent's home and one interview at my home. While the practice of conducting an interview at someone's home might sound unconventional, this has to be understood in the specific context of the authoritarian surveillance



informed about the purpose of the study and gave their consent that the information collected could be used for this study. Interview records were anonymised to ensure confidentiality and identity protection.<sup>350</sup>

**Sampling and Identification of Respondents:** I established contact with the respondents through regular working relationships during the participant observation period at each organisation. Participant observation revealed that, at UNHCR, there were three different categories of relevant respondents (case workers, IRC members and persons involved in the design of the vulnerability-focused basic assistance policy) while at IOM there were two different categories (case workers and coordinators). Overall, I conducted 13 semi-structured face-to-face interviews at UNHCR Khartoum and eight semi-structured face-to-face interviews at IOM Khartoum. This included all staff involved in the design and/or implementation of the respective policies under scrutiny, still working in Khartoum and willing to participate in the research. The characteristics of the respondents who agreed to participate in the research are summarised in Table 4 and Table 5 below. The tables include information on the respondents' gender since my findings suggest that gender sometimes plays a role for the interaction between case worker and potential beneficiary when a vulnerability assessment is being conducted. Moreover, the tables include rough information on the respondents' nationality to give an indication of the respondents' cultural background without revealing too much about their identity. This cultural background is relevant to keep in mind since the findings indicate that it plays a role in 1) the interaction between case workers and potential beneficiaries, 2) the structure and depth of the respondents' replies and 3) the content of the respondents' replies.

**Table 4: Respondents at UNHCR**

Involvement in the Policy	Gender	Cultural Background	Respondent Number
Case worker 1	F	National	1
Case worker 2	M	International	2
Case worker 3	F	National	3
Case worker 4	F	National	4
Case worker 5	M	National	5
Senior case worker	M	National	6
IRC member 1 / Policy Design 4 <sup>351</sup>	F	International	7

state of Sudan where, in some circumstances, sensitive information is best shared in a space where nobody else can listen.

<sup>350</sup> Compare also Brown (2013), 115–116.

<sup>351</sup> This respondent was involved in both the policy design and the policy implementation. In order to distinguish what was relevant for the analysis of the policy design and what was relevant for the policy implementation I had conducted the interview in two separate sessions. However, as the conversation evolved, issues were sometimes cross-cutting so I had to decide for each element whether it was more relevant for the policy design or policy implementation.

Involvement in the Policy	Gender	Cultural Background	Respondent Number
IRC member 2	F	International	8
IRC member 3	F	International	9
IRC member 4	F	International	10
Policy Design 1	F	National	11
Policy Design 2	M	International	12
Policy Design 3	M	National	13

**Table 5: Respondents at IOM**

Involvement in the Policy	Gender	Cultural Background	Respondent Number
Case worker 1	M	National	1
Case worker 2	M	National	2
Case worker 3	F	National	3
Case worker 4	F	National	4
Coordinator 1	F	International	5
Coordinator 2	M	National	6
Coordinator 3	M	National	7
Coordinator 4	F	International	8

**Interview Structure:** As is common with studies that rely on theoretical sampling, my interview questions evolved and grew more focused as the research progressed (see also Sections 3.1, 4.1.3, 4.3.1 and 4.4).<sup>352</sup> The course of each interview differed depending on the respondents' level of involvement in the policy, their experience, personality and language skills, the flow of the conversation and my relationship with the respondent.<sup>353</sup> However, I always started with a few very broad questions about the respective respondent's understanding of vulnerability and the relevance of the concept for their work so as to catch whatever the respondent felt was most important in this respect.<sup>354</sup> If respondents brought up a new topic I followed up on this topic and expanded the interview questions.<sup>355</sup> As I grew more familiar with the research and more skilled in conducting interviews, my approach shifted from having a detailed list of questions (which I could usually not follow entirely due to time constraints and differing interview dynamics) at UNHCR to a "shopping list" of the descriptive and explanatory information I sought to collect at IOM.<sup>356</sup> I considered this to be

<sup>352</sup> Corbin and Strauss (2008) 73, 152.

<sup>353</sup> This is also why the duration of the interviews differed.

<sup>354</sup> This was done because it could lead to new and unanticipated insights that were not covered by the initial questions. Compare also, e.g., Corbin and Strauss (2008) 27.

<sup>355</sup> Corbin and Strauss (2008) 152.

<sup>356</sup> This shopping list broadly entailed the themes and concepts outlined in Chapter 3. The term 'shopping list' is taken from a training on Interviewing for qualitative theory-building research I received by Ben

a sensible approach of progressive insight that was in line with the sequential rather than comparative case study design adopted in this study.<sup>357</sup> It meant that the IOM interviews felt more intuitive, the conversations were flowing more easily and the replies by IOM respondents covered the elements which I had identified as potentially relevant in the first case study more completely and more in-depth than had been the case in some of the UNHCR interviews. Although this progressive development meant that responses on specific issues among respondents could differ (with answers becoming more comprehensive as the study progressed) I did not consider this an issue since my goal was to provide as much depth and breadth on the complexities of the design and implementation of individual vulnerability assessments as possible and this was the most adequate way to do so in light of the limited previous research on this issue. It does, however, mean that respondents' replies should not be directly compared to one another. In essence, the central topics I tried to cover during all interviews were the following:

- The respondents' definition of and general understanding of vulnerability,
- The respondents' individual role with regard to the vulnerability assessment(s) and the provision of assistance to potential beneficiaries,
- The respondents' perceptions, preferences and experiences regarding the vulnerability assessment(s) and the administrative dilemmas involved therein,
- For respondents involved in the design of the vulnerability-focused basic assistance policy: the respondents' reflections upon the origin and development process of the vulnerability assessment(s),
- For respondents involved in the implementation of the vulnerability-focused basic assistance policy: the respondents' perceptions and experiences regarding the interaction with potential beneficiaries,
- The respondents' perception of contextual constraints and the influence of these constraints upon the respondents' vulnerability-assessment-related work.

Treatment of Interview Data: All interview recordings were transcribed by myself throughout the data collection period and usually immediately after having conducted an interview. This facilitated my familiarisation with the data, allowed first analyses and helped me to refine my interview approach.<sup>358</sup> All interviews were transcribed in full and by typing out the voices of both the researcher and the respondent.<sup>359</sup> Subsequently, I showed the transcripts to the respondents and integrated their comments if they felt

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Emans at the University of Groningen on 4 April 2016 during which it was convincingly argued that a shopping list makes more sense than a topic list because a topic list does not define what is supposed to be 'brought home' but merely says which topics should be addressed. I could not have developed such a shopping list for the first case study due to the study's exploratory nature which meant I did not yet know what I was looking for and had to ask very broadly and investigate in all different sorts of directions. Compare also Brown (2013), 115; Cambré and Waeghe (2001) 315, 323.

<sup>357</sup> Parlett and Hamilton (1972). Cited in Stake (1998) 22. Cited in Yazan 141.

<sup>358</sup> Compare also Brown (2013), 116–118.

<sup>359</sup> Compare also Brown (2013), 116–118.

the need for additional clarification (I also sometimes asked clarification questions myself when going through the transcript with the respondent). Two respondents at UNHCR asked me to cut out some minor sections of the interview that they felt uncomfortable with because it revealed information about specific colleagues. I agreed to do so since the sections did not contain crucially relevant information for my research and I considered maintaining the trust of the respondents through agreeing to exclude the sections as more important for this research than the inclusion of the sections. None of the respondents at IOM asked me to exclude anything from the interviews.

A Note on the Number of Respondents: The number of respondents in qualitative studies is usually lower than in quantitative studies. Yet, there is much academic debate on the adequate number of respondents and qualitative researchers diverge in the number of respondents they consider necessary.<sup>360</sup> A common, ‘safe’, approach that is often adopted in qualitative research is to aim for 25–30 respondents.<sup>361</sup> However, qualitative researchers also disagree as to whether the number of respondents is a relevant criterion at all. Instead, some authors emphasise the importance of saturation, i.e. “the point at which the data collection process no longer offers any new or relevant data”.<sup>362</sup> Without going any deeper into these discussions, it is clear that the number of respondents in the present study is relatively low. Yet, I nevertheless considered this number sufficient to draw meaningful conclusions about each case. The reasoning behind this is the following: the small number of respondents in the present study is due to the desire to conduct in-depth research to understand the specific cases – i.e. the specific basic assistance policies at the two organisations in Khartoum. For this purpose, I interviewed everyone involved in these policies and willing to participate in the research. This is what I consider *sufficient saturation* in light of the time and resource constraints of this research. Other respondents working on these policies at different points in time than during the research period might have provided additional or different insights. Indeed, many aspects might have been different at a different point in time (considering, for instance, the fact that the whole institutional structure of Sudan underwent fundamental changes just after I had completed this research).<sup>363</sup> However, due to time and resource constraints, it was not possible to collect data for this study at different points in time. Hence, the findings might not be of a general nature but they can tell us something about the specific context of vulnerability-focused basic assistance policies at UNHCR and IOM in Khartoum at the specific point in time during which the data was collected. It remains for future studies to substantiate or refute any more general relevance or applicability of these findings.

<sup>360</sup> Mark Mazon, ‘Sample Size and Saturation in PhD Studies Using Qualitative Interviews’ [2010] 11(3) Forum Qualitative Sozialforschung, 8 <[www.qualitative-research.net/index.php/fqs/article/view/1428/3027](http://www.qualitative-research.net/index.php/fqs/article/view/1428/3027)> accessed 30 December 2019.

<sup>361</sup> Mazon (2010).

<sup>362</sup> Mazon (2010).

<sup>363</sup> See also Section 4.2 on dependability and Chapter 5 on the situation in Sudan at the time of research.

## 4.4. DATA ANALYSIS BASED ON CORBIN AND STRAUSS' GROUNDED THEORY METHOD

This section explains the general approach I adopted for the analysis of the data, the interpretation tools I used for making sense of the data and the coding process with which I sought to identify relevant categories, concepts and themes. As already mentioned (see Chapter 3 and Section 4.1.1), this study relies on Corbin and Strauss' grounded theory method to analyse the data collected from the two case studies.

### 4.4.1. APPROACH

The data analysis eventually focused on the administrative dilemmas and contextual constraints involved in the vulnerability assessment design and implementation at the two organisations. However, as already indicated in Chapter 3 and above, this focus only emerged gradually throughout the research process. As is common in qualitative research, the data analysis aimed to “discover, understand, and interpret what is happening in the research context” and, as such, relied on emerging themes and sensitizing concepts rather than on clearly defined hypotheses.<sup>364</sup> Hence, my analysis was largely inductive which meant that I allowed categories, themes, processes and patterns to emerge from the data rather than determining them before starting the data collection and analysis.<sup>365</sup> This was done to excavate the diversity of administrative dilemmas and contextual constraints involved in assessing and addressing vulnerability and to explore the richness of the interplay and mutual influences between these elements.<sup>366</sup>

As is common when adopting a grounded theory method approach, the process in which the data analysis became increasingly focused went somewhat intuitively and is therefore difficult to reconstruct.<sup>367</sup> Corbin and Strauss point out that “[i]nterpretation is an art that cannot be formalised” and “something occurs when doing analysis that is beyond the ability of a person to articulate or explain”.<sup>368</sup> In the next paragraphs I am nevertheless trying to describe as clearly as possible which steps I took and what guided my analysis.

According to Corbin and Strauss, data collection and analysis are often intertwined in qualitative research.<sup>369</sup> I experienced this also during my first case study at UNHCR: I started by taking detailed field notes of whatever seemed relevant. As is common when relying on Corbin and Strauss' grounded theory method, I relied on broad sensitizing

<sup>364</sup> Glenn Bowen, ‘Grounded Theory and Sensitizing Concepts’, [2006] 5(3) *International Journal of Qualitative Methods* 3.

<sup>365</sup> Michael Patton, *Qualitative Evaluation Methods* (Sage Publications 1980) 306. Cited in Bowen (2006) 2.

<sup>366</sup> Compare, e.g., Bowen (2006) 2–3.

<sup>367</sup> This is common in grounded theory methods. Compare, e.g., Corbin and Strauss (2008) 16, 71.

<sup>368</sup> Corbin and Strauss (2008) 9.

<sup>369</sup> Compare Corbin and Strauss (2008) 72.

questions (along the lines of: what is going on here? What are the issues, challenges, concerns?) as well as on theoretical questions (such as: how did the assessment evolve and what are larger structural influences?).<sup>370</sup> Subsequently, when reading the field notes and becoming more and more familiar with the organisation and the research context, my own attention grew more focused on specific elements. Thus, I started to concentrate on questions such as: what are challenges with regard to the vulnerability assessment as experienced by respondents? What are the structural conditions that gave rise to these challenges? How do respondents give meaning to these challenges and the way in which they influence the vulnerability assessment? In light of this, what preferences do respondents have with regard to the vulnerability assessment? How are these elements related to each other?<sup>371</sup>

In order to develop a sufficiently focused interview protocol I reviewed these first observations and, through reading and re-reading these first field notes while consulting potentially relevant literature I developed the themes and concepts (outlined in Chapter 3) on which to focus during the further participant observation and semi-structured interviews. I also took into account what would be potentially relevant for answering my research question (for an explanation of this process see, specifically, Section 3.1). As I conducted more semi-structured interviews, some elements appeared particularly relevant: they resonated with respondents since they raised these issues by themselves, explained them in depth and/or clearly considered them important issues for their work. Hence, I increasingly focused on these elements and my understanding of them became gradually more detailed and specific. Simultaneously, as the research progressed, other elements appeared less and less relevant as respondents could not relate to them, did not mention them repeatedly or elaborate on them in-depth, or because I observed during participant observation that these other elements did not play a role in the organisations' work.<sup>372</sup> Through this process, I eventually settled on three central issues to consider:

- What are the central aspects of the design and implementation of the vulnerability assessment(s) in each case?
- What procedural and substantive administrative dilemmas do respondents perceive as relevant for their work with the vulnerability assessment(s)?
- What contextual constraints do respondents perceive as relevant for their work with the vulnerability assessment(s)?

In my case study at IOM I subsequently relied on this knowledge and had this focus already in mind right from the start of the data collection and analysis (see also Section 4.3.5 on the development of the interview structure).

<sup>370</sup> Corbin and Strauss (2008) 72.

<sup>371</sup> Compare Corbin and Strauss (2008) 100.

<sup>372</sup> This is in line with how Corbin and Strauss describe their analysis of data with the grounded theory method. Compare, e.g., Corbin and Strauss (2008) 195ff.

#### 4.4.2. CODING PROCESS

Coding is the central element of data analysis in grounded theory methods.<sup>373</sup> In line with Corbin and Strauss' grounded theory method, I coded the data in order to develop and review concepts and categories that allowed me to make sense of the data. Coding is understood as the process of "extracting concepts from raw data and developing them in terms of their properties and dimensions" and "requires searching for the right word or two that best describe conceptually what the researcher believes is indicated by the data".<sup>374</sup> This helps to conceptualise data and thereby "not only reduces the amount of data the researcher has to work with but at the same time provides a language for talking about the data".<sup>375</sup> Coding offered me a structured way of analysing the data and supported my interpretation process. It was crucial for the below-described interpretation techniques of within-code and between-code comparisons as well as for the identification of negative cases (see Section 4.4.3).

On the basis of my sensitizing concepts, I gradually identified codes and categories through a combined and circular process of becoming familiar with the data, logically associating codes and conceptualising codes into patterns at a more abstract level.<sup>376</sup> This means that sometimes I changed the codes several times as I reconsidered what was being said in the respective quote.<sup>377</sup> This is not uncommon for the grounded theory method and "does not indicate that the earlier analysis was wrong" but only "points out that understandings evolve and that subtleties, previously overlooked, take on meaning the more one works with data".<sup>378</sup> In essence, this means that any code represents my own interpretation of what is being said and someone else might have come to their own, possibly different, interpretations.<sup>379</sup> In order to nevertheless allow for confirmability, I kept track of how my codes evolved and why I changed them so as to retrace how my thought process evolved and to identify my own biases.<sup>380</sup> My coding process followed the general steps common in inductive qualitative data analysis<sup>381</sup>:

##### 4.4.2.1. Step 1: Familiarising

Familiarising refers to the "general reading, followed by careful reading" and the taking of notes to record first impressions and insights.<sup>382</sup> I familiarised myself with the data through a preliminary analysis of the field notes before the interviews, transcribing the interviews, reading and re-reading the field notes and interview transcripts/interview

<sup>373</sup> Halaweh, Fidler and McRobb (2008) 5. Compare also Corbin and Strauss (2008) 159–161.

<sup>374</sup> Corbin and Strauss (2008) 159–160.

<sup>375</sup> Corbin and Strauss (2008) 160.

<sup>376</sup> Bowen (2006) 5.

<sup>377</sup> Corbin and Strauss (2008) 163–164, 198.

<sup>378</sup> Corbin and Strauss (2008) 197.

<sup>379</sup> Corbin and Strauss (2008) 163–164. See also Section 2.3 and Chapter 3.

<sup>380</sup> On confirmability see also Section 4.2.4

<sup>381</sup> Bendassolli (2013).

<sup>382</sup> Bendassolli (2013).

notes. During this stage I took notes on general observations, interpretations and elements that stood out or appeared generally relevant without specifically focusing on any themes or concepts.

#### 4.4.2.2. *Steps 2 and 3: Coding and Conceptualisation*

This section describes my coding along the lines of Corbin and Strauss' distinction between open, axial and selective coding.<sup>383</sup> However, these processes took place somewhat simultaneously.<sup>384</sup>

Open coding is "a brainstorming approach to analysis" in order "to open up the data to all potentials and possibilities contained within them".<sup>385</sup> During the open coding stage I focused on main ideas that seemed to play a role in the respondents' interpretation of and experience with the respective vulnerability assessment(s). I compared incidents in the data that appeared relevant to answering my research question with each other in order to group them if they exhibited similar characteristics or dealt with a similar issue. At this stage, I did not yet rely on sensitizing concepts but sought to "focus on the words and phrases used by the participants themselves".<sup>386</sup>

Axial coding refers to "[c]rosscutting or relating concepts to each other".<sup>387</sup> During the axial coding stage I sought to identify broader categories which meant that I increasingly relied on the literature to group codes in relation to the emerging sensitizing concepts. For instance, I had identified a number of 'normative considerations' that emerged repeatedly in the respondents' replies about the vulnerability assessment (such as perspectives on how rigidly the vulnerability criteria should be defined and enforced). With social work, social policy and public administration literature in mind I eventually grouped these considerations into procedural and substantive preferences in relation to several administrative dilemmas. At the same time, I noted a number of, what I initially labelled, 'structural considerations' that appeared less normative in nature and more closely related to internal and external structures such as issues related to coordination and management or to the operational environment in Sudan (with literature on IOM, UNHCR and humanitarian operations in mind, I later grouped these aspects under the theme 'contextual constraints'). In so doing, I sought to identify relationships between the different codes which eventually led me to develop the conceptual framework outlined in Chapter 3 which distinguishes between the design and implementation of the vulnerability assessment itself, the administrative dilemmas and the contextual constraints that respondents perceived as relevant to their vulnerability-assessment-related work.<sup>388</sup>

<sup>383</sup> Compare Bowen (2006) 5–6; Halaweh, Fidler and McRobb (2008) 5–6.

<sup>384</sup> Compare Corbin and Strauss (2008) 198.

<sup>385</sup> Corbin and Strauss (2008) 160.

<sup>386</sup> Halaweh, Fidler and McRobb (2008) 5.

<sup>387</sup> Corbin and Strauss (2008) 195.

<sup>388</sup> Halaweh, Fidler and McRobb (2008) 5. Compare Chapter 3 of this study.



Lastly, during the selective coding process, I used the themes, concepts and categories I had identified (see Chapter 3) to go through the data once more to ensure every coded element in the data fitted into this framework and in order to identify central elements (i.e. the concepts which respondents had described in particular depth). In so doing I sought 1) to develop the story line on the basis of how exactly the three central themes (the vulnerability assessment itself, the administrative dilemmas and the contextual constraints) and their concepts relate to and influence each other in the specific cases under scrutiny and 2) to decide upon the aspects that, in light of the overall research question, appeared most important to reflect upon in the discussion chapters.<sup>389</sup>

The coding helped me to move from lower levels of abstraction and lacking conceptualisations to increasingly abstract and interrelated concepts on the basis of both concrete evidence and sensitizing concepts from the literature.<sup>390</sup> I ended the coding process once I felt that the categories I had developed offered a “considerable depth and breadth of understanding” in relation to the how and why of the vulnerability assessment process in each case.<sup>391</sup>

#### 4.4.3. INTERPRETATION TECHNIQUES

In accordance with grounded theory methods, the present analysis does *not* rely on analytic induction (which is common in positivistic research) but on the constant comparative method first proposed by Glaser and Strauss (and further developed by Corbin and Strauss). Glaser and Strauss distinguish the two methods as follows: “[a]nalytic induction has been concerned with generating and proving an integrated, limited, precise, universally applicable theory of causes accounting for a specific behavior [...], tests a limited number of hypotheses with all available data [...] [and] the theory is generated by the reformulation of hypotheses”.<sup>392</sup> The constant comparative method, on the other hand, “is concerned with generating and plausibly suggesting (but not provisionally testing) many categories, properties, and hypotheses about general problems [...] [and] no attempt is made by the constant comparative method to ascertain either the universality or the proof of suggested causes or other properties”.<sup>393</sup>

As Corbin and Strauss emphasise, “techniques and procedures are tools, not directives”.<sup>394</sup> Hence, the analytic process “should be relaxed, flexible, and driven by insight gained through interaction with data rather than being overly structured and

<sup>389</sup> Halaweh, Fidler and McRobb (2008) 6.

<sup>390</sup> Bowen (2006) 5.

<sup>391</sup> Complete theoretical saturation is seldom achieved. Corbin and Strauss (2008) 149–150.

<sup>392</sup> Barney Glaser and Anselm Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Observations) (Aldine 1967) 103–104.

<sup>393</sup> Glaser and Strauss (1967) 103–104.

<sup>394</sup> Corbin and Strauss (2008) 12, 16.

based only on procedures”.<sup>395</sup> As such, I applied Corbin and Strauss’ grounded theory method flexibly on the basis of what seemed to make sense in order to answer the research question so as to “avoid[] as much as possible, general and standard methods as well as a “technist” approach to research”.<sup>396</sup> For this reason, I also chose to explain my coding process in text, instead of providing tables or graphs of different codes.

I primarily relied on two types of constant comparisons: 1) between-code comparisons in which I compared different incidents in the data to one another and then grouped them to differentiate one code from another and 2) within-code comparisons in which I compared different statements with the same code to one another so as to ensure they all fit the code and at the same time explore their differences so as to provide a rich picture and “uncover the different properties and dimensions of the code”.<sup>397</sup>

Moreover, I conducted theoretical comparisons which meant that I used previous literature and my own experience to make sense of an incident in the data by comparing the incident to this background knowledge.<sup>398</sup> I sought to avoid forcing any such knowledge or experience upon the data so as to not create biases.<sup>399</sup> Instead, I used it “to bring up other possibilities of meaning” by thinking beyond what is being said by respondents or noted down in field notes.<sup>400</sup> I referenced the literature that was most influential for this process in Chapters 2, 3, 9, 13 and 14.

Furthermore, I sought to identify and include negative examples or contradictions within or between codes and respondents (negative case analysis) so as to allow “for a fuller exploration of the dimensions of a concept”.<sup>401</sup> This approach can add “richness to explanation” since such contradictions reveal “that there are always exceptions to points of view”.<sup>402</sup> I indicated such negative cases for as much as possible in the chapters that present each case study’s findings (Chapters 7, 8, 11 and 12).

In addition, if a word or statement could have several implications or meanings, I sought to clarify what the respondent might have meant through two strategies: 1) by searching the rest of the transcript for clues about the most likely interpretation in light of the whole interview and 2) by reviewing the field notes I collected on the specific respondent and their arguments so as to better understand the respondent’s perspective.<sup>403</sup> This allowed me to refine my presentation of the findings in Chapters 7, 8, 11 and 12.

In order to further challenge my own and the respondents’ assumptions and reflect upon my interpretations I relied on “so what?”-questions to understand the meaning

<sup>395</sup> Corbin and Strauss (2008) 12, 16.

<sup>396</sup> Bendassolli (2013). See also Halaweh, Fidler and McRobb (2008) 1–2.

<sup>397</sup> Corbin and Strauss (2008) 73–74.

<sup>398</sup> Corbin and Strauss (2008) 74.

<sup>399</sup> Corbin and Strauss (2008) 89.

<sup>400</sup> Corbin and Strauss (2008) 89.

<sup>401</sup> Corbin and Strauss (2008) 84. See also Section 4.2 on negative case analysis.

<sup>402</sup> Corbin and Strauss (2008) 84.

<sup>403</sup> Corbin and Strauss (2008) 79.

of a statement and “what if?”-questions to think about alternative scenarios to (my interpretation of) a statement.<sup>404</sup> In so doing, I could identify the aspects that were most relevant for answering my research question. The outcome of this interpretation is primarily reflected in the discussion chapters (Chapters 9, 13 and 14).

Lastly, I also paid attention to potential biases in respondents’ replies which, according to Corbin and Strauss, can often be identified by paying attention to overgeneralising words such as “always” and “never” and statements like “everyone knows that this is the way it is” and “it couldn’t possibly be that way”.<sup>405</sup> If I came across such generalisations, I paid particular attention to the extent to which other respondents made similar arguments and to how these statements relate to the respective interview as a whole as well as to my field notes from the participant observation. This allowed me to place such overgeneralisations into perspective and to ensure a sufficiently nuanced presentation of the findings.

## 4.5. LIMITATIONS

The above-described data collection and analysis entail several limitations. Generally, these limitations mean that the administrative dilemmas and contextual constraints that respondents perceive as relevant for the design and implementation of their vulnerability assessment-related work should not be read as definitive statements. Instead, they merely serve as starting points and propositions for a first inventory of possible elements that can influence a vulnerability assessment. Hence, the findings do not represent an exclusive list but merely the most diverse range of influences and considerations that I could extract from the two case studies in light of the below limitations.

### 4.5.1. PRACTICAL LIMITATIONS

Several practical limitations impacted the possibilities for collecting rich and meaningful data. Access: The access to relevant information depended on the willingness of each organisation to share this information. My general impression was that the organisations and respondents were rather open and willing to communicate their perspectives and I tried my best to probe and stay attentive to be allowed to attend relevant meetings and to be granted access to the relevant information. Nevertheless, it obviously remains much easier to focus on what has been shared than to identify what has not been disclosed. Hence, it remains possible that some issues might have been brought to my attention deliberately while others were consciously or unconsciously omitted. I sought to mitigate these limitations during the data analysis through

<sup>404</sup> Corbin and Strauss (2008) 84.

<sup>405</sup> Corbin and Strauss (2008) 80–81.

triangulation, negative case analysis and constant comparison so as to achieve the highest possible level of comprehensiveness.<sup>406</sup>

Awareness: Both organisations found themselves in a transition/restructuring period which meant that many activities took place randomly, last minute and in such an unstructured way that it was sometimes simple luck that I was there to observe a specific incident. This meant that I really had to keep my eyes and ears open to hear about the relevant meetings and be present but it nevertheless occurred that I sometimes only heard about them afterwards. In those cases I tried to ask people present at the meetings about what had been discussed.

Willingness: The work ethic in Sudan was quite different from what I was used to and meant that appointments were frequently postponed or simply forgotten and that often several reminders were necessary in order to receive the relevant information or to be able to speak to the relevant person. While I certainly met many very enthusiastic and extremely helpful employees at both organisations, the voices of these employees might therefore be more visible in the findings than the voices of the people I had to chase for information. While this means that it is possible that alternative views or additional perspectives might still be 'out there', it remains impossible to say whether this is indeed the case or not. Generally, one has to accept that, especially in an exploratory study, there likely always remains additional information that could have been included. Hence, it cannot be overemphasised that the present study does not intend to make any definitive statements but merely ends with propositions to be developed and tested in future studies.

Political Sensitivity: Sudan was a particularly hostile research environment in which government surveillance and restrictions intersected with much of UNHCR's and IOM's work. For this reason, I had to conduct my research low-profile and be careful to not raise any government suspicions. This somewhat limited the scope of information that I could obtain: respondents, especially Sudanese nationals, were extremely careful to openly speak their mind. While some respondents did not seem to shy away from criticizing the government, the general tenor was careful and reserved and respondents usually grew uncomfortable whenever I would steer a conversation into the direction of the operational environment in Sudan. Moreover, I had to be careful to whom I was mentioning my research since it was impossible to know who might be tempted to report something to the Sudanese authorities. Hence, the findings remain shaped by a certain mutual reluctance and mistrust that was inherent to any interaction in Sudan at the time of research. In my reporting, I tried to keep potentially sensitive information in general terms to not endanger specific respondents or the work of the two organisations in Sudan.

Evolving Policies: The selected cases constitute fluid and constantly developing policies. Policy priorities of international organisations often evolve due to continuous changes in opinions about the desirability and perceived effectiveness of interventions in the migration and humanitarian context. Due to the study's focus on two specific

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<sup>406</sup> See Sections 4.2 and 4.4.3.

policies, this study can therefore only observe tendencies but cannot provide any definite account of each organisation's general work regarding vulnerability.<sup>407</sup>

## 4.5.2. DATA COLLECTION LIMITATIONS

### 4.5.2.1. *Participant Observation*

The study's findings entail limitations that are inherent to participant observation in general as well as some limitations that are specific to the participant observation in the present study. These general limitations did not outweigh the added value of participant observation but I kept them in mind during the data analysis in order to mitigate their impact.<sup>408</sup>

Insider Status: It is generally advantageous to first conduct participant observation and then semi-structured interviews as this lowers the barrier between researcher and respondent and allows for more in-depth questioning.<sup>409</sup> However, such an 'insider status' limits the independent and objective collection of data (for as far as this is ever possible at all): in being present, I might have influenced the process and encouraged respondents to exhibit behaviour which they might have thought to be socially desirable. Yet, I felt that in my case studies this did not play a substantial role since employees at both organisations were used to the idea of someone sitting in on their interactions with beneficiaries (this also happened, for instance, with new employees, supervisors, interns and donors). Moreover, it seemed to me that the longer I stayed at the organisation the more self-evident my presence became to the persons I was observing.

Assumed Familiarity: Conducting the interviews at the end of the participant observation period could have led to respondents not mentioning some issues during the semi-structured interviews (since respondents might have considered some issues to be already evident to me as participant observer). I tried to minimise this risk by encouraging respondents to answer my questions in as much detail as possible and as if I did not already know their work.

Cultural and Language Barriers: I was a European researcher in an Arab-African humanitarian context and did not speak the relevant languages to understand each conversation. Although the majority of interactions I observed took place in English, many interactions were also conducted in Arabic or Ethiopian/Eritrean languages (Amharic, Oromo, Tigrinya). When observing interactions between case workers and potential beneficiaries I could sometimes make use of the organisation's interpreters while in other instances I had to rely on the respondents to explain to me what had been going on during or after their conversation with a potential beneficiary. While this was somewhat advantageous because respondents provided their perspective on the issue,

<sup>407</sup> For a more general overview see Flegar (2018).

<sup>408</sup> Compare also Brown (2013), 115–116.

<sup>409</sup> Compare also Brown (2013), 115–116.

both the use of interpreters and the reliance on respondents' explanations also meant that some details of the interactions between case worker and potential beneficiary remained inaccessible to me. I sought to mitigate this limitation through observing a large amount of interactions.

Racial Bias: Another practical limitation resulted from the fact that being white meant that potential beneficiaries (especially at UNHCR) sometimes interpreted my presence as their unique chance to bring their case to the attention of the people they perceived as being in power within the organisation (this happened despite the fact that they were told I had no such power and was only there for the purpose of my research). However, the impact of this dynamic upon my findings remained limited since I was not directly interested in the potential beneficiaries themselves and since the respondents I observed were already familiar with the phenomenon and therefore tended to ignore it during their interactions with potential beneficiaries.

Personal Connection: The depth and extent of information on the basis of participant observation differed among respondents depending on the level of trust I had developed with them and their stress levels, available time, work ethic and interest in my research. The stronger my level of personal connection with the respondent, the more in-depth information I could record.<sup>410</sup> However, rather than this being a limitation, having been able to establish a strong familiarity with at least some respondents greatly contributed to the depth of the data I could collect.

#### 4.5.2.2 *Semi-structured Interviews*

The study's findings also entail limitations regarding the data collected through the semi-structured interviews. These limitations are somewhat similar to the limitations regarding the participant observation.

Desirable or Strategic Answers: It is difficult to determine to what extent respondents might have given desirable or strategic answers. However, I sought to disentangle this by cross-checking respondents' interview replies with what they had said during earlier informal conversations, with my own observations of their work and with what other respondents were saying.<sup>411</sup> Participant observation proved particularly helpful in this respect since it allowed me to get to know the respondents and thereby develop a feeling for whether they were providing open and honest information or merely desirable answers.

Assumed Familiarity: Respondents' knowledge about my familiarity with the context increased the risk that they could exclude elements from their answers which they considered obvious. I tried to minimise this risk by encouraging them to provide comprehensive answers, concrete examples and speak to me as if we had never spoken about these issues before.<sup>412</sup>

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<sup>410</sup> Compare also Brown (2013), 115–116.

<sup>411</sup> See also Section 4.2.

<sup>412</sup> Compare also Brown (2013), 115–116. See also Section 4.2.

Double Hat: Some respondents at UNHCR might have seen me more as an intern than a researcher and therefore felt a different hierarchical relationship towards me which might have influenced their responses. I mitigated this issue by trying to phrase questions in a way that would resonate with the specific respondent and, in the second case study, by clearly only being a researcher without any double status.<sup>413</sup>

Willingness: The respondents' willingness to disclose information impacted the interview data of, particularly, the first case study. This is reflected in the fact that some interviews had to be recorded through note taking rather than recordings, that some minor elements had to be censured and that one person refused to be interviewed at all. Due to this experience I changed my approach for the second case study by being much more firm and determined in clarifying to respondents the importance of recording and the need for complete information. This seemed to work well since no such impediments occurred during the second case study.

Cultural and Language Barriers and Personal Connection: The depth of the information provided by respondents during the interviews and upon review of the transcripts differs among respondents of, in particular, the first case study. This was due to cultural differences and language difficulties which meant that not all respondents were giving equally concise and/or relevant answers. The issue was aggravated by differing levels of trust and personal connection I had developed with the respondents as well as their stress levels, available time, work ethic and interest in my research. I sought to take this limitation into account by not interpreting any lack of reference to a certain issue by a respondent as necessarily meaning that it did not matter to them but by acknowledging that it might simply not have come up during the interview.<sup>414</sup> This issue was less prominent in the second case study since it was clear to everyone that I was a researcher and since respondents at IOM appeared to be much more intrigued by my research and the issue of how vulnerability can and/or should be assessed and addressed.

#### 4.5.3. DATA ANALYSIS LIMITATIONS

Although the approach adopted for the data analysis in this study proved effective and yielded information that allowed me to evaluate and reflect upon the transformative potential of a vulnerability focus in basic assistance policies, several limitations remain.

Trial and Error: Since the first case study was exploratory and generally my first qualitative field research project, I had to work by trial and error. The analysis in the second case study was therefore more efficient and clearly delimited compared to the first one. This might have resulted in a more coherent presentation of the findings in the second case study.

<sup>413</sup> Compare also Brown (2013) 115–116. See also Section 4.3.1.

<sup>414</sup> Compare also Brown (2013), 115–116.

Individual or Organisation Perspective: I sometimes found it difficult to clearly distinguish between whether a respondent's statement was the person's individual opinion or reflected a broader organisational and/or policy issue. I sought to mitigate this difficulty through constant comparison and negative case analysis and by assuming that any of the respondents' perceptions was more likely to be attributable to the broader organisational and/or policy context if it was mentioned by several respondents. To further distinguish individual opinions from more general issues I also compared issues that were only mentioned by single respondents with my field notes and reflected upon these issues on the basis of my personal knowledge. I also used this procedure for instances in which one respondent's statement diverged from what everyone else was saying so as to determine which perspective was more likely to be a general rather than a personal statement.

Interpretation: The themes, concepts and categories which I developed throughout the data collection and analysis facilitated the focus of the analysis and ensured that the findings would be meaningful for answering the research question. I tried to keep any bias and subconscious exclusions to a minimum through re-reading and constant going back and forth between the codes/categories and the data. However, as the focus increased, this inevitably also meant that the most relevant elements had to be selected while other aspects were left out. Hence, although I sought to reflect a rich picture of each case and to provide contextualised findings, it should be kept in mind that the findings presented in this study merely represent my interpretation of each case.<sup>415</sup>

#### 4.5.4. LIMITATIONS REGARDING THE PRESENTATION OF THE FINDINGS

I tried to present as much evidence as possible in the form of direct quotes so as to improve the study's credibility.<sup>416</sup> However, I had to make several choices on how to present this data. These choices influenced the findings and somewhat limit the comprehensiveness of the findings.

Readability and Anonymity: The quotes had to be edited in some instances to improve readability and to ensure anonymity. As such, any words in other languages were cut out, quotes from interviews in other languages were translated into English and quotes were shortened so as to reflect the gist of what the respondent intended to say. Sometimes I added clarifications between square brackets. These clarifications are no interpretation but were always taken directly from the interview context.

Confidentiality: Since I was interested in specific policies at specific organisations I could not keep this information confidential but had to mention the name of the organisation, the place of research and the specific policy I investigated. This meant

<sup>415</sup> Compare, e.g., Corbin and Strauss (2008) 47–48. See also Sections 2.3, 4.4 and Chapter 3.

<sup>416</sup> Compare Section 4.2.



that, in order to protect the identity of the respondents, I had to leave out information about the respondents themselves. Had I included more personal information about the respondents (e.g. age, nationality, specific job description etc.) this would have compromised the respondents' anonymity in light of the fact that I had to reveal where they were working.

Multiple Relevance: Some of the respondents' replies touched upon several relevant concepts and/or themes. However, to improve readability and to streamline the argument, direct quotes were only used once even though a quote could sometimes reflect more than one issue. Where a quote was relevant to an issue but had already been mentioned, I usually included a footnote which referred to the section where I had referenced the complete quote.

#### 4.5.5. LIMITATIONS REGARDING COMPARABILITY

I did not intend to directly compare both cases.<sup>417</sup> Yet, also for the sequential case studies adopted in the present study, it is important to keep the main differences between both cases in mind to place the study's findings and arguments into perspective.<sup>418</sup> These differences relate both to the data collection and analysis and to the general characteristics of each case.

Different Data Collection: The experience I had gained during the first case study (UNHCR) very much benefited my data collection and analysis during the second case study (IOM) which seems to somewhat balance out the lesser engagement and time investment at IOM compared to UNHCR. At IOM I had a much clearer idea of what I was looking for which meant that the data collection was much more focused. In addition, the data collection at IOM took place in a different time period, for a different length and with a different number of respondents. Due to my different status (intern-researcher at UNHCR *versus* external researcher at IOM) I had more in-depth access to internal proceedings at UNHCR than I had at IOM. In addition, my access to, and interaction with, employees was different at UNHCR where I retrieved information through prolonged engagement, being a chameleon and using incentives compared to IOM where I primarily relied on the use of incentives and an emphasis on the value of my personal contributions.<sup>419</sup>

Different Policies: In addition to the limited comparability resulting from the differences in the data collection and analysis, the fundamental differences of the two cases should also be kept in mind. As such, the policy context differs for both organisations – especially in terms of mandates, funding structure and organisational culture.<sup>420</sup> Moreover, the policies which I focused on at each organisation are slightly

<sup>417</sup> Compare also Section 1.3.

<sup>418</sup> On the sequential case studies see Section 4.3.

<sup>419</sup> Compare Section 4.3.1.

<sup>420</sup> Compare Section 1.3 and Chapters 6, 10 and 14.

different: while the vulnerability assessment I studied at UNHCR is focused on the provision of basic financial assistance and could be studied completely separate from other assessments, I could not isolate a single assistance provision at IOM since the organisation relies on several intertwined vulnerability assessments for a more integrated approach to basic assistance (a combination of cash, medical assistance, psychosocial assistance and return) in their Migrant Resource and Response Centres. I sought to highlight these general differences between both organisations (see Sections 1.3, 1.6 and 3.4) as well as by providing background chapters to each case study (Chapters 6 and 10) and by returning to the similarities and differences between the two cases at the beginning of the final discussion of this study (Chapter 14).

# CHAPTER 5

## BACKGROUND ON THE REPUBLIC OF SUDAN

This chapter provides background information on the Republic of Sudan and, in particular, on the migration situation in the country at the time of research. Since this study is not focused on Sudan as such but is merely interested in how Sudan as operational environment impacts the design and implementation of the vulnerability assessments by UNHCR and IOM, this chapter only provides a concise overview of key issues.

The chapter covers three topics that are of particular importance for understanding the present study's findings and arguments: the socio-cultural, political and economic context of Sudan in general (5.1), the engagement of Sudan with the international community (5.2) and the migration situation in Sudan (5.3).

### 5.1. THE SOCIO-CULTURAL, POLITICAL AND ECONOMIC CONTEXT OF SUDAN

#### 5.1.1. THE SOCIO-CULTURAL CONTEXT

Sudan gained independence from Egypt and Great Britain in 1956.<sup>421</sup> Several civil wars ensued, most prominently in the western (Darfur) and southern regions of Sudan. Large parts of Sudan are characterised by a nomadic and tribal society. Although none of the recent conflicts in Sudan is exclusively due to ethnic, tribal or religious tensions, such tensions played (and continue to play) a major role: in Darfur the conflict manifested itself along the lines of Arab nomads on one side and African farmers on the other side while in southern Sudan the line of tension before the secession was primarily between Christians and Muslims.<sup>422</sup>

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<sup>421</sup> Anna Louisa Strachan, 'Rapid Fragility and Migration Assessment for Sudan: Rapid Literature Review' (GSDRC, University of Birmingham 2016), <<https://gsdrc.org/publications/rapid-fragility-and-migration-assessment-for-sudan/>> accessed 30 December 2019, 6.

<sup>422</sup> This is obviously a very generalised account of the conflicts. For more information on Darfur see e.g. Alex de Waal and Julie Flint, *Darfur: A New History of a Long War* (Zedbooks 2005). For more info on South Sudan see e.g. John Young, *South Sudan's Civil War: Violence, Insurgency and Failed Peacemaking* (Zedbooks 2019).

The conflict in Darfur started in 2003 and, despite lower intensity, remained ongoing at the time of research. The conflict in the southern part of Sudan led to the secession of South Sudan through a referendum in 2011 but instability in the border region remains.<sup>423</sup> Over the past ten to fifteen years the Eastern and Northern parts of Sudan have recovered and stabilised.<sup>424</sup> The security situation in Khartoum remained largely unaffected by these conflicts at the time of research but their impact was felt through the large number of displaced persons arriving and residing in Khartoum (see below).

Since the secession of South Sudan, Islam remains the predominant religion in Sudan with 95.3% of the Sudanese identifying as Muslim. Although other religions are generally accepted in Sudan, atheism was subject to capital punishment at the time of research.<sup>425</sup> The constitution established Sharia law as a legislative guidance and Sharia law was applied in both civil and criminal cases.<sup>426</sup> Although women could (and often did) participate in the public and working life, gender discrimination and inequality remained prominent issues – especially in relation to family law and sexual and reproductive health and rights.<sup>427</sup> Some of these dynamics appear to be improving slightly since the 2019 political changes that are outlined in the next section.

### 5.1.2. THE POLITICAL SITUATION AT THE TIME OF RESEARCH

Sudan is divided into 18 states. The country is officially a presidential republic with a bicameral parliament (consisting of a National Assembly and a Council of States).<sup>428</sup> However, since a military coup in 1989, the country has been ruled by President Omar Hassan Al-Bashir who, since 16 October 1993, remained head of government, chief of state and commander in chief until he was deposed by a peaceful civilian revolution that led to a military coup on 11 April 2019.<sup>429</sup> Al-Bashir and other senior members of the regime in

<sup>423</sup> Ministerie van Buitenlandse Zaken, *Algemeen ambtsbericht Sudan* (20 June 2017), 77.

<sup>424</sup> Eastern Sudan Peace Agreement <<https://peacemaker.un.org/sudan-eastersudan-agreement2006>> accessed 30 December 2019. Cited in IOM, *Migration Crisis Operational Framework 2017–2019* (IOM 2017a) <<https://sudan.iom.int/mcof-sudan-2017-2019>> accessed 30 December 2019, 5.

<sup>425</sup> Worldatlas, 'Religious Beliefs in Sudan', <<https://worldatlas.com/articles/religious-beliefs-in-sudan.html>> accessed 30 December 2019.

<sup>426</sup> Worldatlas, 'Religious Beliefs in Sudan', <<https://worldatlas.com/articles/religious-beliefs-in-sudan.html>> accessed 30 December 2019; The Economist, 'Sudan' <<http://country.eiu.com/article.aspx?articleid=512847035&Country=Sudan&topic=Summary&subtopic=Political>> accessed 30 December 2019.

<sup>427</sup> This is, for instance, reflected by the low ranking (168<sup>th</sup> place) on the Gender-related Development Index (GDI, 0.836) in 2018. UNDP, 'Human Development Reports' <<http://hdr.undp.org/en/data>> accessed 30 December 2019. Compare also, e.g., Organisation of Economic Co-operation and Development, 'Social Institutions and Gender Index: Sudan' <<https://www.genderindex.org/countrx/sudan/>> accessed 30 December 2019.

<sup>428</sup> The Economist, 'Sudan' <<http://country.eiu.com/article.aspx?articleid=512847035&Country=Sudan&topic=Summary&subtopic=Political>> accessed 30 December 2019.

<sup>429</sup> See, e.g., The New York Times, 'Sudan's President Omar Hassan al-Bashir Is Ousted, but Not His Regime' <<https://www.nytimes.com/2019/04/11/world/africa/sudan-omar-hassan-al-bashir.html>> accessed 30 December 2019.

charge at the time of research are indicted by the International Criminal Court for war crimes, crimes against humanity and crimes of genocide during the conflict in Darfur.<sup>430</sup> However, Al-Bashir and most other suspects have so far escaped trial and the indictment provided a major incentive for Bashir to remain in power to avoid trial. Al-Bashir's regime depended on an extensive security apparatus with approximately 70% of the yearly budget being dedicated to the military, police, secret service and paramilitary forces.<sup>431</sup>

The political situation at the time of this research became increasingly volatile and was marked by repeated protests due to an aggravating economic crisis. During the research period, protests erupted for the first time in December 2017 but faded again in February 2018 after suppressive measures by the government (such as newspaper confiscations and the detention and/or torture of opposition leaders).<sup>432</sup> Persistent peaceful protests re-emerged in December 2018 due to a shortage of bread, fuel and cash. These protests continued throughout 2019, with protesters quickly changing their demands from bread, fuel and cash concerns to the desired removal of Al-Bashir. The protests were met with excessive violence by security forces using tear gas and live ammunition (killing several hundred persons in various clashes), storming hospitals and specifically targeting doctors and beating, detaining and torturing opposition leaders as well as demonstrators and by-standers.<sup>433</sup> The government's political reaction to these protests also involved several cabinet shuffles.<sup>434</sup> In addition, on 24 February 2019, Al-Bashir declared the state of emergency for one year and, shortly thereafter, issued four decrees prohibiting all forms of protest as well as fuel and currency trading and granting all powers to the security forces to enforce these laws.<sup>435</sup> Violators of these newly established emergency laws (primarily protestors) were tried in 'emergency courts' – largely without adequate procedural guarantees and received sentences ranging from fines to several years in prison.<sup>436</sup> Further decrees were issued throughout the next months but protests continued.

<sup>430</sup> *The Prosecutor v. Omar Hassan Ahmad Al Bashir*, International Criminal Court (Decision) ICC-02/05–01/09–1 (04 March 2009).

<sup>431</sup> Nuba Reports, 'Sudan could spend up to 70% of its budget on several war fronts this year' <<https://qz.com/africa/615938/sudan-could-spend-up-to-70-of-its-budget-on-several-war-fronts-this-year/>> accessed 30 December 2019.

<sup>432</sup> Compare, e.g., Radio Dabanga, 'Calm Student Protest in Western Kordofan' <<https://www.dabangasudan.org/en/all-news/article/calm-student-protest-in-western-kordofan>> accessed 30 December 2019. Earlier protests took place throughout Al-Bashir's rule, most notably in 2013 when about 200 demonstrators were killed. See, e.g., The Guardian, 'Sudanese Protesters Attacked during March Sparked by Fuel Subsidies' <<https://www.theguardian.com/world/2013/sep/27/sudanese-protesters-attacked-march-fuel-subsidies>> accessed 30 December 2019.

<sup>433</sup> See, e.g., Amnesty International, 'Sudan: Security Officers Pursue Injured Protestors into Hospital' <<https://www.amnesty.org/en/latest/news/2019/01/sudan-security-officers-pursue-injured-protestors-into-hospital/>> accessed 30 December 2019.

<sup>434</sup> See, e.g., Reuters, 'Sudan Establishes Emergency Courts, Reshuffles Senior Military Staff' <<https://www.reuters.com/article/us-sudan-protests-military/sudan-establishes-emergency-courts-reshuffles-senior-military-staff-idUSKCN1QF1Q7>> accessed 30 December 2019.

<sup>435</sup> See, e.g., BBC News, 'Sudan's Omar al-Bashir Declares State of Emergency' <<https://www.bbc.com/news/world-africa-47330423>> accessed 30 December 2019.

<sup>436</sup> See, e.g., Reuters, 'Sudan Establishes Emergency Courts, Reshuffles Senior Military Staff' <<https://www.reuters.com/article/us-sudan-protests-military/sudan-establishes-emergency-courts-reshuffles-senior-military-staff-idUSKCN1QF1Q7>> accessed 30 December 2019.

The protests eventually led to the ousting of Al-Bashir on 11 April 2019 and (after continued protests) the step-down of his successor Ahmed Awad Ibn Auf the next day.<sup>437</sup> Peaceful protests continued despite violent reactions by the so-called Transitional Military Council. On 3 June 2019 security forces violently dispersed the protestors during a nation-wide internet shut-down that continued for several weeks (with several hundred persons dead or missing and a large number of rape cases being reported by doctors).<sup>438</sup> Protests continued until a power-sharing agreement was reached on 17 August 2019.<sup>439</sup> The success and stability of this transition remains yet to be seen.

### 5.1.3. THE ECONOMIC SITUATION AT THE TIME OF RESEARCH

As the link between bread, fuel and cash shortages and emerging protests already indicates, the political dynamics in Sudan at the time of research were closely related to the country's economic outlook. Sudan lost about 75% of its oil revenues through the secession of South Sudan.<sup>440</sup> Other export earnings and revenues have similarly declined in recent years.<sup>441</sup> The economic situation continued to worsen throughout the research period. Although most economic sanctions which had been imposed by the United States upon transactions with Sudan were lifted in October 2017, this had, at the time of research, not yet led to any significant improvements. This is, among other reasons, due to Sudan's listing on the US State Sponsors of Terrorism list: delisting is a necessary precondition to discuss debt relief which can pave the way for economic development.<sup>442</sup>

It is therefore not surprising that some of the major economic indicators appear weak. As such, the (official) inflation rate was 43.45% in January 2019 (with rates rising from approximately 53% to 74% throughout 2018).<sup>443</sup> Sudanese external debt by the end of 2017 was estimated at US\$ 56.05 billion.<sup>444</sup> Sudan recorded a trade deficit of US\$ 6.3

<sup>437</sup> See, e.g., The New York Times, 'Sudan's President Omar Hassan al-Bashir Is Ousted, but Not His Regime' <<https://www.nytimes.com/2019/04/11/world/africa/sudan-omar-hassan-al-bashir.html>> accessed 30 December 2019.

<sup>438</sup> See, e.g., The Guardian, 'Sudanese Doctors Say Dozens of People Raped during Sit-in Attack' <<https://www.theguardian.com/world/2019/jun/11/sudan-troops-protesters-attack-sit-in-rape-khartoum-doctors-report>> accessed 30 December 2019.

<sup>439</sup> BBC News, 'Sudan Conflict: Army and Civilians Seal Power-sharing Deal' <<https://www.bbc.com/news/world-africa-49379489>> accessed 30 December 2019.

<sup>440</sup> Strachan (2016) 6.

<sup>441</sup> Compare, e.g., Selva Ramachandran and Abdalatif Hassan, *The Sudanese Migrants' Remittances: Challenges and Opportunities* (UNDP 2017), on file with the author.

<sup>442</sup> See, e.g., AP News, 'Stuck on US Terror List, Sudan Turns to Wealthy Gulf for Aid' <<https://apnews.com/8aa3491116f64a0197aa869d3c3ba71df>> accessed 30 December 2019.

<sup>443</sup> Trading Economics, 'Sudan Inflation Rate' <<https://tradingeconomics.com/sudan/inflation-cpi>> accessed 30 December 2019. All data provided by the Sudanese authorities under Al-Bashir should be treated with suspicion.

<sup>444</sup> Central Intelligence Agency, 'The World Factbook: Debt External – Country Comparison Ranking' <<https://www.cia.gov/library/publications/the-world-factbook/fields/246.html>> accessed 30 December 2019.

billion in 2017 (with 2017 merchandise exports already having decreased to US\$ 4.2 billion and imports having increased to US\$ 10.3 billion compared to 2015).<sup>445</sup>

The 2017 increase in Sudan's Gross Domestic Product (GDP) was 3.50% compared to 2016 with the country's Annual Growth Rate for GDP averaging 4.26% in the period of 2005–2017.<sup>446</sup> Yet, the country remained at the lower end of the Human Development Index (in 168<sup>th</sup> place in 2018).<sup>447</sup> Sudan ranked 172<sup>nd</sup> (out of 175 countries) in Transparency International's 2018 Corruption Perceptions Index.<sup>448</sup> The World Bank placed Sudan 162<sup>nd</sup> (out of 190 countries) with regard to the ease of doing business in 2018.<sup>449</sup>

Nevertheless, the official unemployment rate in Sudan was only 12.70% in 2017.<sup>450</sup> The main export commodities in 2017 were gold with a value of US\$ 1.5 billion in 2017 (38% of the total exports) followed by diverse agricultural products, with the largest single value being live sheep and goats (US\$ 476.8 million in 2017, 11% of total exports) and oil seeds and oleaginous fruits with US\$ 411.8 million (10% of the total exports) and crude oil with US\$ 429.5 million (10% of the total exports).<sup>451</sup>

In order to mitigate the most severe shortages in the economic areas that were most prone to fuelling the protests, Sudan relied on regional allies. These allies were most prominently Qatar (and increasingly Egypt) and Saudi Arabia whose interest in Sudan was at least partially motivated by their regional power play.

## 5.2. SUDAN AND THE INTERNATIONAL COMMUNITY

### 5.2.1. MAIN INTERNATIONAL AND REGIONAL HUMAN RIGHTS OR MIGRATION TREATIES AND AGREEMENTS

This section provides an overview of the major international and regional human rights and migration-related treaties and agreements to which Sudan was a party as well as the treaties in these areas which Sudan had not ratified at the time of research.<sup>452</sup>

<sup>445</sup> UN Comtrade Database, '2017 ITSY Volume I' <<https://comtrade.un.org/pb/>> accessed 30 December 2019, 324.

<sup>446</sup> Trading Economics, 'Sudan GDP Annual Growth Rate' <<https://tradingeconomics.com/sudan/gdp-growth-annual>> accessed 30 December 2019.

<sup>447</sup> UNDP, 'Human Development Reports' <<http://hdr.undp.org/en/data>> accessed 30 December 2019.

<sup>448</sup> Trading Economics, 'Sudan Corruption Rank' <<https://tradingeconomics.com/sudan/corruption-rank>> accessed 30 December 2019.

<sup>449</sup> Trading Economics, 'Ease of Doing Business' <<https://tradingeconomics.com/sudan/ease-of-doing-business>> accessed 30 December 2019. This ranking deteriorated to 171<sup>st</sup> in 2019.

<sup>450</sup> Trading Economics, 'Unemployment Rate' <<https://tradingeconomics.com/sudan/unemployment-rate>> accessed 30 December 2019. However, many people work in the informal sector and data provided by the Sudanese authorities under Al-Bashir should generally be treated with suspicion.

<sup>451</sup> UN Comtrade Database, '2017 ITSY Volume I' <<https://comtrade.un.org/pb/>> accessed 30 December 2019, 324; Trading Economics, 'Crude Oil Production' <<https://tradingeconomics.com/sudan/crude-oil-production>> accessed 30 December 2019.

<sup>452</sup> Many of the topics covered in human rights and migration-related treaties overlap or are inter-related. The distinction made in this section should therefore merely be seen as a choice of convenience that seeks to improve readability.

Sudan is a party to most of the major human rights treaties. The country became a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on 18 March 1986<sup>453</sup>, to the Convention Eliminating All Forms of Racial Discrimination on 21 March 1977<sup>454</sup>, to the United Nations Convention Against Torture on 4 June 1986<sup>455</sup>, to the Convention on the Rights of the Child on 3 August 1990<sup>456</sup> and to the Convention on the Rights of Persons with Disabilities on 24 April 2009.<sup>457</sup> However, Sudan did not sign the Convention on the Elimination of Discrimination against Women.<sup>458</sup> At a regional level, Sudan ratified the African Charter of Human and Peoples Rights in 1986 but did not sign the African Charter on the Rights and Welfare of the Child and the Protocol on the Rights of Women in Africa.<sup>459</sup>

In terms of migration-related treaties, Sudan signed and ratified the Convention on the Status of Refugees on 22 February 1974 and its Protocol on 23 May 1974.<sup>460</sup> The country ratified the UN Convention against Transnational Organised Crime on 10 December 2004 and recently also ratified its three Protocols.<sup>461</sup> However, Sudan did not sign the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention relating to the

<sup>453</sup> UN Treaty Collection, 'International Covenant on Civil and Political Rights' <[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en)> accessed 30 December 2019; UN Treaty Collection, 'International Covenant on Economic, Social and Cultural Rights' <[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en)> accessed 30 December 2019.

<sup>454</sup> UN Treaty Collection, 'International Convention on the Elimination of All Forms of Racial Discrimination' <[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en)> accessed 30 December 2019.

<sup>455</sup> UN Treaty Collection, 'Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' <[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-9&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=_en)> accessed 30 December 2019.

<sup>456</sup> UN Treaty Collection, 'Convention on the Rights of the Child' <[https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&clang=en)> accessed 30 December 2019.

<sup>457</sup> UN Treaty Collection, 'Convention on the Rights of Persons with Disabilities' <[https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-15&chapter=4&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&clang=_en)> accessed 30 December 2019.

<sup>458</sup> UN Treaty Collection, 'Convention on the Elimination of All Forms of Discrimination against Women' <[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en)> accessed 30 December 2019.

<sup>459</sup> African Union, 'African Charter on Human and Peoples' Rights' <<https://au.int/en/treaties/african-charter-human-and-peoples-rights>> accessed 30 December 2019; African Union, 'African Charter on the Rights and Welfare of the Child' <<https://au.int/en/treaties/african-charter-rights-and-welfare-child>> accessed 30 December 2019; African Union, 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' <<https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>> accessed 30 December 2019.

<sup>460</sup> UN Treaty Collection, 'Convention relating to the Status of Refugees' <[https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg\\_no=V-2&chapter=5&Temp=mtdsg2&clang=\\_en](https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en)> accessed 30 December 2019. Sudan made a reservation regarding free movement of refugees.

<sup>461</sup> UN Office on Drugs and Crime, 'Signatories to the United Nations Convention against Transnational Crime and its Protocols' <<https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>> accessed 30 December 2019. Ratifications of the three protocols (together referred to as Palermo Protocol) took place on 2 December 2014, 4 October 2018 and 9 October 2018.



Status of Stateless Persons, the Convention on the Reduction of Statelessness and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Yet, the country ratified 16 Conventions by the International Labour Organisation (ILO) of which 14 were in force at the time of research.<sup>462</sup> Some of these ILO conventions can have implications for (working) non-citizens, for instance, with regard to forced labour. In addition, Sudan adopted the 2018 Global Compact for Safe, Orderly and Regular Migration and endorsed the Global Compact on Refugees.<sup>463</sup> At the regional level, Sudan ratified the Convention governing the Specific Aspects of Refugee Problems in Africa in 1972.<sup>464</sup>

### 5.2.2. MAJOR INTERNATIONAL GOVERNMENTAL FINANCIAL SUPPORT

Regarding migration-related funding, the EU was the most important provider of financial support to Sudan at the time of research (although the EU did not provide direct support to the Government of Sudan but funded several migration-related projects which often also have a humanitarian and/or development component).<sup>465</sup> Since April 2016, the EU had made € 173.5 million available through the EU Emergency Trust Fund for Africa “to tackle root causes of instability, irregular migration and forced displacement, and to improve the living conditions of refugees, IDPs and their host communities, as well as other vulnerable groups in peripheral areas”.<sup>466</sup> In addition, the EU supported Sudan through several regional funds, through EU humanitarian aid and through bilateral engagements by, primarily, the UK, Germany, France, Italy, Spain, the

<sup>462</sup> International Labour Organisation, ‘Ratifications for Sudan’ <[https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103176](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103176)> accessed 30 December 2019. The conventions Sudan ratified are: Convention no. 2 (unemployment), Convention no. 19 (equality of treatment and accident compensation), Convention no. 26 (minimum wage-fixing machinery), Convention no. 29 (forced labour), Convention no. 81 (labour inspection), Convention no. 95 (protection of wages), Convention no. 98 (right to organise and collective bargaining), Convention no. 100 (equal remuneration), Convention no. 105 (abolition of forced labour), Convention no. 111 (discrimination in employment and occupation), Convention no. 122 (employment policy), Convention no. 117 (social policy, basic aims and standards), Convention no. 138 (minimum age for work), Convention no. 182 (worst forms of child labour).

<sup>463</sup> UNHCR, Report of the United Nations High Commissioner for Refugees: Part II: Global Compact on Refugees, UN Doc A/73/12 (Part II) (02 August 2018); UN General Assembly, Global Compact for Safe, Orderly and Regular Migration, UN Doc A/RES/73/195 (19 December 2018).

<sup>464</sup> Organisation of African Unity, ‘Convention Governing the Specific Aspects of Refugee Problems in Africa’ (10 September 1969) UN Doc 14691 (UNTS Volume Number 1001, p.45).

<sup>465</sup> European Union External Action, ‘European Actions on Migration in Sudan’ <[https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/34103/EU%20actions%20on%20Migration%20in%20Sudan#\\_ftn1](https://eeas.europa.eu/headquarters/headquarters-homepage_en/34103/EU%20actions%20on%20Migration%20in%20Sudan#_ftn1)> accessed 30 December 2019. Compare also: Ministerie van Buitenlandse Zaken (2017) 87.

<sup>466</sup> European Union, ‘EU Development Cooperation with Sudan’ <[https://ec.europa.eu/trustfundforafrica/sites/eueta/files/final\\_feb2019\\_factsheet\\_eu\\_development\\_cooperation\\_with\\_sudan\\_1.pdf](https://ec.europa.eu/trustfundforafrica/sites/eueta/files/final_feb2019_factsheet_eu_development_cooperation_with_sudan_1.pdf)> accessed 30 December 2019; See also European Union External Action, ‘European Actions on Migration in Sudan’ <[https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/34103/EU%20actions%20on%20Migration%20in%20Sudan#\\_ftn1](https://eeas.europa.eu/headquarters/headquarters-homepage_en/34103/EU%20actions%20on%20Migration%20in%20Sudan#_ftn1)> accessed 30 December 2019.

Netherlands and Sweden.<sup>467</sup> Despite not being EU countries, Switzerland and Norway also tended to engage with Sudan along similar lines as the EU countries.

In addition to this largely migration-focused financial support by the EU to Sudan, other countries provided more general humanitarian and/or development-focused funding. As such, the US provided more than US\$ 203 million to Sudan for humanitarian assistance in Darfur in the years of 2017–2018.<sup>468</sup> Unlike EU policies which focused primarily on migration, the United States' engagement with Sudan at the time of research was focused on counter-terrorism, human rights, peace processes regarding Darfur and southern Sudan and general civil and political freedoms.<sup>469</sup> Another major donor in the humanitarian/development sector of Sudan at the time of research was Japan. Although yearly figures are not available, the Japanese embassy's website provides an indication of the magnitude of this engagement in stating that, since 2005, Japan has provided more than US\$ 1.2 billion of bilateral and multilateral "Official Development Assistance" to Sudan.<sup>470</sup>

Official information on the engagement of other countries with Sudan is difficult to find but it is nevertheless important to point out that, in particular, China and the Gulf countries also provided considerable financial support to Sudan – usually with less conditionalities than the above countries. The Chinese engagement, for instance, focused on large infrastructural and agricultural investments as well as on the extraction of oil and other resources.<sup>471</sup> Among the Gulf countries, Saudi Arabia appeared to be the largest investor in Sudan with investments of US\$ 15 billion reported in 2016 (allegedly in exchange for Sudanese troops being sent to support Saudi Arabia in the Yemen war).<sup>472</sup> Also Qatar and the United Arab Emirates provided funds to Sudan but the details of these engagements remain obscured. In addition, Sudan has recently increased cooperation with Turkey through trade deals<sup>473</sup> and economic and military cooperation with Russia but again, the details of these deals remain unclear.<sup>474</sup>

<sup>467</sup> European Union External Action, 'European Actions on Migration in Sudan' <[https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/34103/EU%20actions%20on%20Migration%20in%20Sudan#\\_ftn1](https://eeas.europa.eu/headquarters/headquarters-homepage_en/34103/EU%20actions%20on%20Migration%20in%20Sudan#_ftn1)> accessed 30 December 2019.

<sup>468</sup> US Department of State, 'U.S. Relations With Sudan' <<https://www.state.gov/r/pa/ei/bgn/5424.htm>> accessed 30 December 2019.

<sup>469</sup> US Department of State, 'U.S. Relations With Sudan' <<https://www.state.gov/r/pa/ei/bgn/5424.htm>> accessed 30 December 2019.

<sup>470</sup> Embassy of Japan in Sudan, 'Official Development Assistance (ODA) & Economic Cooperation' <[https://www.sdn.emb-japan.go.jp/itpr\\_en/oda.html](https://www.sdn.emb-japan.go.jp/itpr_en/oda.html)> accessed 30 December 2019.

<sup>471</sup> Xinhuanet, 'News Analysis: Sudan-China Ties Progress Towards New Horizons' <[www.xinhuanet.com/english/2017-08/25/c\\_136553943.htm](http://www.xinhuanet.com/english/2017-08/25/c_136553943.htm)> accessed 30 December 2019; See also GlobalSecurity.org, 'Sudan-China Relations' <<https://www.globalsecurity.org/military/world/sudan/forrel-prc.htm>> accessed 30 December 2019.

<sup>472</sup> Albawaba, 'Saudi Arabia to Sign Economic and Defence Cooperation With Sudan' <<https://www.albawaba.com/business/saudi-arabia-sign-economic-and-defence-cooperation-sudan-1127524>> accessed 30 December 2019.

<sup>473</sup> Daily Sabah Diplomacy, 'Vice President in Sudan to Boost Bilateral Ties' <<https://www.dailysabah.com/diplomacy/2018/11/20/vice-president-in-sudan-to-boost-bilateral-ties>> accessed 30 December 2019.

<sup>474</sup> The National, 'Russia and Sudan's Economic Ties May Be Behind Bashir's 'Surprise' Syria Visit' <<https://www.thenational.ae/world/mena/russia-and-sudan-s-economic-ties-may-be-behind-bashir-s-surprise-syria-visit-1.803807>> accessed 30 December 2019.

### 5.2.3. ENGAGEMENT BY INTERNATIONAL GOVERNMENTAL AND NON-GOVERNMENTAL AGENCIES

Since this study focuses on UNHCR and IOM as humanitarian actors in the context of migration in Sudan, this section provides a short overview of the main international agencies operating in this field in Sudan.

At the time of research, the United Nations was represented by a large number of different agencies, including all major UN humanitarian and development agencies. They coordinated their work through a multi-year humanitarian strategy (for the first time in 2017–2019) and yearly humanitarian response plans which outline the country strategy and operational response.<sup>475</sup> In addition, two peacekeeping operations were active in Sudan at the time of research: the United Nations African Union Mission in Darfur (UNAMID) for Darfur and the United Nations Interim Security Force for Abyei (UNISFA) for the disputed border territory with South Sudan (Abyei).<sup>476</sup>

International non-governmental organisations also maintained a prominent presence in Sudan at the time of research. Most of the commonly known international non-governmental organisations such as Médecins sans Frontières, the Danish Refugee Council, the International Committee of the Red Cross and Save the Children were active in Sudan. However, at the time of research, there existed no comprehensive overview about which organisations were active in which sector and area in Sudan.<sup>477</sup>

Humanitarian access remains an issue for most organisations and, although recent years had seen some improvements, the political unrest and state of emergency resulted in renewed difficulties in this respect throughout the course of this research.<sup>478</sup>

### 5.2.4. UN TREATY AND CHARTER-BASED BODIES' RECENT MIGRATION-RELATED HUMAN RIGHTS CONCERNS

The UN Treaty and Charter-based Bodies mention a large number of human rights concerns regarding Sudan. However, due to this study's focus on non-citizens, this section merely provides an overview of the migration-related concerns in the most recent reports by these bodies.

The most recent (2016) Universal Periodic Review on Sudan by the UN Human Rights Council (a Charter-based Body whose members are states) does not mention migration issues in the report of the council discussions. Only two recommendations

<sup>475</sup> UN Office for the Coordination of Humanitarian Affairs, *Sudan: Multi-Year Humanitarian Strategy 2017–2019* (UN Office for the Coordination of Humanitarian Affairs 2017) <<https://reliefweb.int/report/sudan/sudan-multi-year-humanitarian-strategy-2017-2019>> accessed 30 December 2019, 4.

<sup>476</sup> UN, 'The United Nations in Sudan' <<http://sd.one.un.org/content/unct/sudan/en/home/our-work.html>> accessed 30 December 2019.

<sup>477</sup> However, more recent information can be found on UN Office for the Coordination of Humanitarian Affairs, 'Sudan' <<https://www.unocha.org/sudan>> accessed 30 December 2019.

<sup>478</sup> Ministerie van Buitenlandse Zaken (2017) 77, 90.

which directly mention non-citizens are made: a recommendation to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (recommended by Indonesia, Philippines, Ghana, Niger, Honduras, Guatemala and El Salvador) and a recommendation to “[c]ontinue taking strong measures to combat human trafficking and sexual exploitation and abuse of migrant women and children, including by fully implementing the Human Trafficking Act of 2014, training law enforcement officials and ensuring adequate protection for victims of human trafficking” (recommended by Sweden).<sup>479</sup>

The Treaty-based Bodies (whose members are independent experts) are more explicit regarding migration-related human rights issues in Sudan but, nevertheless, only refer to issues regarding refugees, asylum seekers and stateless persons.

The most recent (2018) Concluding Observations regarding Sudan by the Human Rights Committee (overseeing the International Covenant on Civil and Political Rights) voices concerns about “allegations of forced returns of asylum seekers and refugees, including the forced return of 104 Eritrean refugees, among them 30 minors” and recommends Sudan to ensure that “all persons seeking asylum have the right to apply for asylum, to an individualised assessment of their asylum claims, to appeal and to effective protection against non refoulement” and to refrain from any form of “collective expulsions of migrants and asylum seekers”.<sup>480</sup>

The first (2018) Concluding Observations on Sudan issued by the Committee on the Rights of Persons with Disabilities voices concern about the “limited support provided for persons with disabilities who are internally displaced, refugees or asylum seeker” and recommends that Sudan strengthens its efforts in this regard.<sup>481</sup>

The most recent (2015) Concluding Observations on Sudan by the Committee on Economic, Social and Cultural Rights notes „the barriers, including language barriers, experienced by asylum seekers and refugees in the State party in accessing health care and education” and recommends that Sudan should ensure the effective access to education and health care for asylum seekers and refugees.<sup>482</sup> In addition, the committee notes that some South Sudanese have become stateless as a result of 2011 changes to the Sudanese Nationality Act which resulted in a situation in which these individuals are not able to access basic services.<sup>483</sup> The committee therefore also recommends clear procedures through which these individuals can regularise their status.<sup>484</sup>

<sup>479</sup> UN Human Rights Council, ‘Universal Periodic Review – Sudan’ <<https://www.ohchr.org/EN/HRBodies/UPR/Pages/SDindex.aspx>> accessed 30 December 2019.

<sup>480</sup> UN Human Rights Committee, ‘Concluding Observations on the Fifth Periodic Report of the Sudan’ (19 November 2018) UN Doc CCPR/C/SDN/CO/5, paras 53–54.

<sup>481</sup> Committee on the Rights of Persons with Disabilities, ‘Concluding Observations on the Initial Report of the Sudan’ (10 April 2018) UN Doc CRPD/C/SDN/CO/1, paras 21–22.

<sup>482</sup> Committee on Economic, Social and Cultural Rights, ‘Concluding Observations on the Second Periodic Report of the Sudan’ (27 October 2015) UN Doc E/C.12/SDN/CO/2, paras 25–28.

<sup>483</sup> Committee on Economic, Social and Cultural Rights, ‘Concluding Observations on the Second Periodic Report of the Sudan’ (27 October 2015) UN Doc E/C.12/SDN/CO/2, paras 25–28.

<sup>484</sup> Committee on Economic, Social and Cultural Rights, ‘Concluding Observations on the Second Periodic Report of the Sudan’ (27 October 2015) UN Doc E/C.12/SDN/CO/2, paras 25–28.

The most recent (2010) Concluding Observations on Sudan by the Committee on the Rights of the Child indicate the following migration-related human rights concerns: “the 1974 Asylum Act does not include specific procedures relating to refugee status determination and does not address the special needs and vulnerabilities of asylum seeking children” and “reports that the Commission[] for Refugees systematically rejects asylum claims submitted by Eritrean children aged below 14 years” and recommends respective amendments.<sup>485</sup> Moreover, the committee finds asylum-seeking and refugee children to be vulnerable to, inter alia, “exploitation, physical abuse, smuggling and trafficking” and that, due to the Sudanese encampment policies “they have limited opportunities to integrate into Sudanese society, as well as limited access to education, frequently resulting in early marriage and child labour” and recommends to take measures to mitigate these issues as well as the ratification of the Convention relating to the Status of Stateless Persons.<sup>486</sup>

### 5.3. THE MIGRATION SITUATION IN SUDAN

#### 5.3.1. SUDAN AS A TRANSIT COUNTRY

Sudan is bordering Ethiopia, Eritrea, South Sudan, the Central African Republic, Chad, Libya and Egypt.<sup>487</sup> In migration terms, Sudan is simultaneously a country of origin, transit, destination and return for refugees and other migrants. Sudan currently remains a major host and transit country for refugees and other migrants from East African countries.<sup>488</sup> According to IOM, Sudan is “a hub for the north eastern route for nearly all Eritrean, Ethiopian and Somali migrants who intend to cross to Europe”.<sup>489</sup> In addition, Sudan is a transit country for people from African countries who are moving to Yemen and the Gulf States.<sup>490</sup>

The exact number of migrants in Sudan remains unclear. However, UNHCR estimates from January 2019 indicate that the number of registered refugees and asylum seekers in Sudan at that time was 1.092.145 with the largest nationality groups being South Sudanese (848.091), Eritreans (121.157), Syrians (93.502) and Ethiopians (13.549).<sup>491</sup> UNHCR assumes that the majority of these refugees and asylum seekers

<sup>485</sup> Committee on the Rights of the Child, ‘Concluding Observations: Sudan’ (22 October 2010) UN Doc CRC/C/SDN/CO/3–4 paras 68–69.

<sup>486</sup> Committee on the Rights of the Child, ‘Concluding Observations: Sudan’ (22 October 2010) UN Doc CRC/C/SDN/CO/3–4 paras 70–71.

<sup>487</sup> Sharanjeet Parmar, ‘An Overview of the Sudanese Legal System and Legal Research’ <[www.nyulawglobal.org/globalex/Sudan.html](http://www.nyulawglobal.org/globalex/Sudan.html)> accessed 30 December 2019.

<sup>488</sup> Compare, e.g., Arezo Malakooti, *The Current Context of Migration Dynamics and Programming in Sudan* (UNDP 2018), on file with the author.

<sup>489</sup> IOM (2017a) 7–8.

<sup>490</sup> IOM (2017a) 7–8.

<sup>491</sup> UNHCR, *Briefing Kit January 2019*, on file with the author.

(409.156) reside in Khartoum.<sup>492</sup> According to IOM, prominent nationality groups of other migrants in Sudan at the time of research included Nigerians, Ugandans and Chadians, but the exact amount of migrants with these nationalities in Sudan remains unclear.<sup>493</sup>

A 2019 UNDP survey among Ethiopian and Eritrean refugees and other migrants in Eastern Sudan and Khartoum indicates that 55% of Ethiopians in Eastern Sudan and 24% of the Ethiopians in Khartoum would like to conduct an onward journey while the numbers for Eritreans were slightly higher with 75% of the Eritreans in Eastern Sudan and 34% of the Eritreans in Khartoum wanting to do so.<sup>494</sup> Both Ethiopians and Eritreans mentioned job opportunities and the quality of life as the two most important factors influencing their aspiration to either stay in Sudan or migrate further.<sup>495</sup>

Since the present study is interested in non-citizens on Sudanese territory, the role of Sudan as a country of transit and destination is most relevant. Nevertheless, it is interesting to note that Sudan is also a country of origin: according to IOM estimates, about 4.5 million Sudanese were living abroad in 2017 (half of which in neighbouring African countries and half of which in industrialised countries such as the United States and countries in Europe and the Gulf).<sup>496</sup> Moreover, a 2018 study on Darfur indicates that the number of internally displaced persons in the Darfur region remained high at the time of research and that these people were thought to increasingly consider migrating elsewhere (in particular towards Europe).<sup>497</sup>

Although comprehensive information on the Sudanese acceptance of non-citizens was not available at the time of research, Sudan is generally heralded for its hospitality towards non-citizens. Yet, a 2019 UNDP study about Sudanese' perceptions towards non-citizens in Eastern Sudan indicated that 61% of the respondents perceive migrants as having a negative impact on their own economic opportunities in, for instance, increasing the competition over jobs and increasing the burden on resources such as arable land, forests and water.<sup>498</sup> IOM similarly found that migrants in Sudan often "face discrimination and social exclusion".<sup>499</sup>

<sup>492</sup> UNHCR, *Standard Operating Procedures for Cash-based Interventions for Urban Persons of Concern (POC) in Khartoum Sudan (Draft)* (March 2017), on file with the author, 1. Others estimate lower numbers: 60.000–150.000. Ministerie van Buitenlandse Zaken (2017) 84.

<sup>493</sup> IOM (2017a) 7–8.

<sup>494</sup> UNDP, *A Development-focused Case Study of Ethiopian and Eritrean Migrants in Eastern Sudan and Khartoum – Key Findings and Implications for Policy and Programming* (UNDP 2019), on file with the author.

<sup>495</sup> UNDP, *A Development-focused Case Study of Ethiopian and Eritrean Migrants in Eastern Sudan and Khartoum – Key Findings and Implications for Policy and Programming* (UNDP 2019), on file with the author.

<sup>496</sup> IOM (2017a) 11.

<sup>497</sup> Susanne Jaspars and Margie Buchanan-Smith, *Darfuri Migration from Sudan to Europe* (Overseas Development Institute 2018) <<https://www.odi.org/publications/11186-darfuri-migration-sudan-europe-displacement-despair>> accessed 30 December 2019.

<sup>498</sup> UNDP, *A Development-focused Case Study of Ethiopian and Eritrean Migrants in Eastern Sudan and Khartoum – Key Findings and Implications for Policy and Programming* (UNDP 2019), on file with the author.

<sup>499</sup> IOM (2017a) 7–8.

### 5.3.2. MIGRATION LAW AND POLICY IN SUDAN

The Ministry of Interior was the principal government actor responsible for migration law and policy in Sudan at the time of research. At the ministerial level, a High Level Committee on Migration existed but, at the technical level, coordination remained limited to a Counter-Trafficking Commission that lacked a more holistic approach to migration.<sup>500</sup> Plans existed for the establishment of a National Coordination Mechanism to streamline migration law and policy in Sudan existed but the process for the implementation of these plans remained slow.<sup>501</sup>

There were 12 refugee camps in Sudan: three in Darfur, eight in Eastern Sudan and one in Gezira.<sup>502</sup> These refugee camps were run by the Sudanese government agency Commission(er) for Refugees (COR) in collaboration with UNHCR and other international and national governmental and non-governmental organisations.<sup>503</sup> However, a large number of refugees, asylum seekers and other migrants lived outside camps and, in particular, in Khartoum.<sup>504</sup>

This section does not seek to provide a comprehensive overview of Sudan's migration laws and policies but merely refers to two major issues that emerged as particularly relevant to the work of UNHCR and IOM in Khartoum, namely the issues related 1) to refugee status, encampment and work permits and 2) to so-called 'round-ups', detention and deportation.

#### 5.3.2.1. *Refugee Status, Encampment and Employment*

At the time of research, Sudan distinguished between 'brothers and sisters' and other refugees. While the former category applied to refugees from Syria and Yemen (Arab refugees) and meant that persons from these countries were (in principle) free to settle, set up businesses and work in Sudan, the latter category applied to all other nationalities (non-Arab refugees). Thus, Arab refugees received a more favourable treatment than other refugees in terms of the scope of human rights granted to them but were simultaneously not formally recognised as refugees by the Sudanese authorities.<sup>505</sup>

The human rights of non-Arab refugees and asylum seekers were more limited: they were subject to an encampment policy and therefore supposed to remain in the camp closest to where they entered the country.<sup>506</sup> Rights and livelihood opportunities in these camps were limited and, for instance, the possibilities to engage in formal employment remained unclear. Hence, many of these refugees and asylum seekers attempted to move to Khartoum instead. The possibilities to engage in formal labour

<sup>500</sup> Malakooti (2018) 25.

<sup>501</sup> Malakooti (2018) 25.

<sup>502</sup> Ministerie van Buitenlandse Zaken (2017) 81.

<sup>503</sup> Ministerie van Buitenlandse Zaken (2017) 81.

<sup>504</sup> Ministerie van Buitenlandse Zaken (2017) 81.

<sup>505</sup> Ministerie van Buitenlandse Zaken (2017) 81–82.

<sup>506</sup> Compare, e.g., Ministerie van Buitenlandse Zaken (2017) 81.



in Khartoum were even more limited: as part of the Sudanese encampment policy, non-Arab refugees and asylum seekers were not allowed to stay in Khartoum (except in exceptional circumstances such as for medical treatment).<sup>507</sup> This resulted in non-Arab refugees and asylum seekers in Khartoum primarily working in the informal sector (primarily as domestic workers, tea sellers and rickshaw drivers).

The pathways to apply for any permanent residence status and/or Sudanese citizenship to obtain formal rights similar to those of Sudanese citizens or non-Arab refugees remained limited. This meant that many refugees, asylum seekers and other migrants who were not considered ‘brothers and sisters’ had been living, and continued to live, in precarious circumstances and with very limited rights for decades. In particular, Ethiopians and Eritreans who fled to Sudan due to the Ethiopian-Eritrean war of 1998–2000 had stayed in Sudan for decades but their legal possibilities for making a living remained restricted and many of their children, often born in Sudan, remained unregistered and stateless.<sup>508</sup>

The poor socio-economic position of non-Arab refugees and asylum seekers was also reflected in the (limited) empirical data available on non-citizens in Sudan. A survey among Ethiopian and Eritrean refugees and other migrants conducted by UNDP in 2018 revealed that 35.56% of the respondents in Eastern Sudan and Khartoum were unemployed despite having at least a basic level of education and having largely been of working age when migrating to Sudan.<sup>509</sup> These numbers were even worse for people without legal status, women and Eritreans.<sup>510</sup> This level of unemployment appeared to be more than double compared to the level of unemployment among Sudanese, but would likely have been even higher if informal employment had been excluded<sup>511</sup>: a 2017 IOM survey among 291 migrants with different nationalities in Khartoum, for instance, indicates that, at the time, 54% of the respondents were unemployed.<sup>512</sup>

### 5.3.2.2. ‘Round-ups’, Detention and Deportation

Another major issue for non-citizens in Khartoum at the time of research were so-called ‘round-ups’ by the Sudanese authorities: due to the encampment policy, non-Arab refugees and asylum seekers wanting to stay in Khartoum frequently did not register with the authorities (because this would have meant that they would be sent back to

<sup>507</sup> Malakooti (2018) 24. Ministerie van Buitenlandse Zaken (2017) 84.

<sup>508</sup> Malakooti (2018) 26.

<sup>509</sup> UNDP, *A Development-focused Case Study of Ethiopian and Eritrean Migrants in Eastern Sudan and Khartoum – Key Findings and Implications for Policy and Programming* (UNDP 2019), on file with the author.

<sup>510</sup> UNDP, *A Development-focused Case Study of Ethiopian and Eritrean Migrants in Eastern Sudan and Khartoum – Key Findings and Implications for Policy and Programming* (UNDP 2019), on file with the author.

<sup>511</sup> On unemployment among Sudanese compare Section 5.1.3.

<sup>512</sup> IOM, *Migrants in Sudan: Pilot study on Migrants’ Motivations, Intentions and Decision-Making in Khartoum* (IOM 2017b) <<https://sudan.iom.int/sites/default/files/reports/IOM-MigrantsInSudan-2017.pdf>> accessed 30 December 2019, 67.



one of the camps). Non-citizens who did not register themselves could be detained and were only released upon payment.<sup>513</sup> The Sudanese authorities frequently targeted Ethiopians and Eritreans in Khartoum (in particular tea sellers) and placed them in detention. Estimates indicate that, each month, about 150–200 refugees, asylum seekers and other migrants were detained (and sometimes deported) this way.<sup>514</sup>

In addition to this detention procedure, several incidents of collective expulsions and refoulement of Eritrean refugees have been reported over the past years.<sup>515</sup> Another issue that is linked to the refoulement of refugees and asylum seekers is the deportation of non-citizens with HIV/AIDS: although formal sources on this issue are lacking, my participant observation at UNHCR indicated that, at the time of research, non-citizens with HIV/AIDS were subject to deportation and harassment by government authorities.<sup>516</sup>

### 5.3.3. OTHER HUMAN RIGHTS ISSUES REGARDING NON-CITIZENS IN KHARTOUM

Other important human rights issues relevant for understanding the situation of non-citizens in Khartoum relate to the general living conditions and to trafficking and smuggling practices.

#### 5.3.3.1. *General Living Conditions*

At the time of research, the general living conditions of refugees and other migrants in Khartoum were poor and non-citizens frequently lived in precarious conditions. According to UNHCR, refugees and asylum seekers in Khartoum “often form part of the “urban poor” struggling to meet their basic needs, leaving them at heightened risk of harassment, exploitation, and abuse, with women and children being particularly at-risk”.<sup>517</sup> IOM similarly found that the economic and livelihood opportunities for other migrants remained poor due to the bleak economic outlook for Sudan.<sup>518</sup>

A 2017 IOM study among 291 migrants in Khartoum indicates that 33% of the respondents strongly or somewhat disagreed with feeling safe in Sudan and that 44% of the respondents strongly or somewhat disagreed with feeling freer in Sudan than in their country of nationality.<sup>519</sup> The study concludes that, although Khartoum is generally “a relatively safe environment for migrants”, in particular, freedom of expression and movement remained restricted for most migrants.<sup>520</sup> Hence, migration

<sup>513</sup> Ministerie van Buitenlandse Zaken (2017) 87–88.

<sup>514</sup> Ministerie van Buitenlandse Zaken (2017) 87–88.

<sup>515</sup> Ministerie van Buitenlandse Zaken (2017) 80, 87–88.

<sup>516</sup> IOM (2017a) 5–6.

<sup>517</sup> UNHCR (March 2017) 1.

<sup>518</sup> IOM (2017a) 16.

<sup>519</sup> IOM (2017b), 62.

<sup>520</sup> IOM (2017b) 78.

to Sudan “did not result in a significant improvement in terms of political or personal freedoms” for most respondents.<sup>521</sup>

The same IOM study indicates that 45% of the respondents strongly or somewhat disagreed with having better access to health care in Sudan than in their country of nationality, 50% of the respondents strongly or somewhat disagreed with being more satisfied with their life in Sudan than with their life in their country of nationality and 62% asserted that they were not earning enough in Sudan to meet their basic needs.<sup>522</sup> Most of these respondents lived in a shared room (57%) and nobody lived alone but with friends, family or other migrants instead.<sup>523</sup> 7% of the respondents had no permanent accommodation or were homeless.<sup>524</sup> This data led IOM to conclude that “migration to Sudan did not result in an improvement in financial or economic circumstances for a majority of respondents”.<sup>525</sup>

### 5.3.3.2. *Trafficking and Smuggling Practices*

Another major issue for many non-citizens in Khartoum at the time of research was the risk of exploitation and abuse due to trafficking and organised crime along the irregular travel routes many migrants decide to take. According to IOM, persons who wanted to transit through Sudan to Europe were “often subjected to severe exploitation and abuse” and increasing numbers of “asylum seekers and refugees being abducted in Sudan and held for ransom and/or trafficked into slavery and slavery-like practices” had been recorded.<sup>526</sup> The organisation found that Khartoum “has become a transit and destination point for people smuggling and human trafficking” – in particular for people from camps in Eastern Sudan or for persons who are directly smuggled/trafficked from Ethiopia.<sup>527</sup>

There were indications that incidents of human smuggling and, in particular, human trafficking had decreased in recent years.<sup>528</sup> Nevertheless, IOM remained concerned about the exploitation and abuse of non-citizens by traffickers.<sup>529</sup> In particular, the organisation mentioned instances of organ harvesting, frequent reports of “severe physical abuse, which sometimes results in permanent disability” as well as frequent reports of sexual violence and rape of both women and (less frequently) men.<sup>530</sup> In addition, IOM found that “[v]ictims often do not have access to health and psychosocial services” and “[m]igrants generally have low awareness of their rights, which places them at further risk of exploitation and abuse”.<sup>531</sup>

<sup>521</sup> IOM (2017b) 78.

<sup>522</sup> IOM (2017b) 62.

<sup>523</sup> IOM (2017b) 71–72.

<sup>524</sup> IOM (2017b) 71–72.

<sup>525</sup> IOM (2017b) 78.

<sup>526</sup> IOM (2017a) 7–8.

<sup>527</sup> IOM (2017a) 7–8.

<sup>528</sup> Ministerie van Buitenlandse Zaken (2017) 84.

<sup>529</sup> IOM (2017a) 12.

<sup>530</sup> IOM (2017a) 12.

<sup>531</sup> IOM (2017a) 7–8, 12.

## 5.4. CONCLUDING REMARKS

This chapter provided a short overview on the socio-cultural, political and economic context in Sudan, Sudan's relationship with the international community and the migration situation in Sudan at the time of research.

Due to the limited amount of information available on some of these issues, an accurate assessment of the situation in Sudan remains challenging. Generally, the social, political and economic situation in Sudan at the time of research was more than bleak – both for many Sudanese and for a large number of non-citizens residing in Sudan. The rights and opportunities for the large number of, especially non-Arab, non-citizens residing in Khartoum at the time of research were severely limited.

An operational environment like Sudan, in which almost everyone is severely limited in their freedom and livelihood, impacts the way in which organisations like UNHCR and IOM can operate to provide support to refugees, asylum seekers and other migrants. The case studies presented in the subsequent chapters seek to shed light on how UNHCR and IOM nevertheless attempt to assess and address the vulnerability of non-citizens.



**PART III**

**CASE 1: ASSESSING AND  
ADDRESSING VULNERABILITY  
AT UNHCR KHARTOUM**



This part presents the first case study which analyses UNHCR's vulnerability-focused basic assistance provision to urban refugees and asylum seekers in Khartoum. The data collection was guided by the following initial exploratory question: *how is vulnerability understood in the design and implementation of this vulnerability assessment and what influences the way in which it is understood?*<sup>532</sup> The case study sheds light on the administrative dilemmas and contextual constraints that appear relevant to the design and implementation of this vulnerability assessment.<sup>533</sup> In so doing, the case study seeks to provide insights into some of the choices, challenges and dilemmas involved in assessing and addressing vulnerability to develop arguments for answering the overall research question on the transformative potential of vulnerability.

This case study is divided into four chapters. The first short introductory chapter (Chapter 6) provides background information on UNHCR's operation in Sudan at the time of research and on the basic assistance policy under scrutiny in this case study. Chapter 7 then focuses on the design of the vulnerability assessment. It presents the study's findings on the vulnerability assessment design and the respective administrative dilemmas and contextual constraints. Subsequently, Chapter 8 concentrates on the implementation of the vulnerability assessment. It presents the findings with regard to the functioning of the vulnerability assessment in the policy implementers' daily work as well as the administrative dilemmas and contextual constraints that appear relevant in this respect. Lastly, Chapter 9 places these findings into perspective by reflecting on them in light of their transformative potential: to what extent does the policy practice at UNHCR Khartoum at the time of research appear to contribute to the mitigation of stigmatisation and stereotyping and to facilitating socio-economic participation? What contextual constraints are most relevant for understanding this (lack of) transformative potential?

<sup>532</sup> Compare Section 1.6 and Chapter 3.

<sup>533</sup> For the definition of administrative dilemmas and contextual constraints see Section 1.7 and compare Chapter 3.





## CHAPTER 6

### BACKGROUND ON UNHCR IN SUDAN

This short introductory chapter provides background information on UNHCR in Sudan at the time of research so as to facilitate the reader's understanding of the particularities of the specific case investigated in this study. The chapter outlines UNHCR's operation in Sudan at the time of research (6.1), UNHCR's policy of cash-based interventions central to this case study (6.2) and the policy process underlying the vulnerability assessment design and implementation for these cash-based interventions at UNHCR Khartoum (6.3).

#### 6.1. UNHCR OPERATION IN SUDAN

##### 6.1.1. SIZE AND STRUCTURE OF THE OPERATION

At the beginning of the field research, in November 2017, UNHCR Sudan's operation was the 8<sup>th</sup>-largest UNHCR operation worldwide with 331 employees.<sup>534</sup> This staff was spread over 12 offices (Khartoum, Kosti, Kadugli, El Fula, Kassala, Girba, Gedaref, El Geneina, Nyala, El Fasher, Zalingei, Ed Daien). The office in Khartoum constituted the main office with approximately 100 employees (including drivers) while all other offices were field offices (and therefore much smaller in size). The present study focused exclusively on the main office in Khartoum. The Khartoum office was subdivided into six major units: Programme, Protection, Finance, Human Resources, External Relations and Supply. The Programme and Protection units were the most directly relevant units for the vulnerability-focused basic assistance policy investigated in this case study.

##### 6.1.2. KEY PRIORITIES AND BUDGET OF UNHCR IN SUDAN

According to a UNHCR document, registration and documentation, camp management and coordination and basic services were identified as “[l]ife-saving protection and assistance services which will be strengthened and prioritised in 2017”.<sup>535</sup> Other official

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<sup>534</sup> UNHCR, *The People Working for UNHCR* (November 2017), on file with the author.

<sup>535</sup> UNHCR, *2017 Planning Summary, Operation: Sudan* (2016a) <<http://reporting.unhcr.org/node/2535?y=2017#year>> accessed 30 December 2019.

foci included attention to trafficking along the lines of the inter-agency “Strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan” and the encouragement of refugees’ economic self-reliance.<sup>536</sup>

In 2017, the expenditure of UNHCR Sudan was US\$ 90.062.679 while the total funds available were US\$ 84.837.824.<sup>537</sup> Of this expenditure, the largest amount (US\$ 83.952.941) was spent on refugee programmes (compared to about US\$ 6.6 million on IDPs and US\$ 1 million on statelessness).<sup>538</sup> Of the money available for refugee programmes, the largest amount (US\$ 42 million) was spent on basic needs and essential services. Of this expenditure on basic needs and essential services, the largest amount (US\$ 10.5 million) was spent on non-food items while, most relevant for this study, US\$ 1.6 million was spent on services for persons with specific needs.

Other large expenditures within the refugee programmes were: US\$ 15.6 million on protection processes and documentation, US\$ 7.6 million on community empowerment and self-reliance, US\$ 6.8 million on logistics and operations support, US\$ 5.9 million on security from violence and exploitation (most of which was spent on child protection and on the prevention of and response to sexual and gender-based violence (SGBV)), US\$ 2.3 million on advocacy (most of which was dedicated to law and policy advocacy but also, specifically, to advocacy on access to the territory and legal remedies), US\$ 1.6 million on durable solutions and US\$ 1.5 million on leadership coordination and partnerships.<sup>539</sup>

These figures indicate that the amount spent on basic assistance constituted the largest expenditure (US\$ 42 million) while the expenditure for UNHCR’s core mandate (legal protection) was smaller in comparison (US\$ 23.1 million when considering protection processes and documentation, security from violence and exploitation and durable solutions to fall within this scope). Moreover, the amount spent on community empowerment and self-reliance activities seems small in light of UNHCR’s explicit ambition to focus more on such, largely development-oriented, activities.<sup>540</sup> These numbers underline the fact that, in Sudan, UNHCR’s main focus in 2017 was basic humanitarian assistance. The vulnerability assessment on which this study focuses falls within the scope of this basic humanitarian assistance priority.

### 6.1.3. DONORS AND PARTNERS OF UNHCR SUDAN

The largest donors of UNHCR Sudan’s refugee program in 2017 were the United States (US\$ 13.8 million), the United Kingdom (US\$ 7.4 million), the EU (US\$ 7.5 million), Germany (US\$ 4.2 million), the UN General Assembly’s Central Emergency Response Fund (US\$ 3.6 million), Switzerland (US\$ 2.16 million) and Japan (US\$ 1.87 million).<sup>541</sup>

<sup>536</sup> UNHCR (2016a).

<sup>537</sup> UNHCR (2016a).

<sup>538</sup> UNHCR (2016a).

<sup>539</sup> UNHCR (2016a).

<sup>540</sup> UNHCR (2016a).

<sup>541</sup> UNHCR (2016a).

Most important implementing partner of UNHCR Sudan was the Sudanese government with the Commission(er) for Refugees (COR) and its implementing agency Refugee Counselling Services (RCS). In Khartoum, these agencies were involved in registration, refugee status determination and the provision of services to those refugees and asylum seekers that are recognised by the Sudanese authorities.

As regards collaboration and coordination with other international agencies, UNHCR was a member of the United Nations Country Team and the Humanitarian Country Team, lead the inter-agency response for South Sudanese refugees and convened the Refugee Consultation Forum of agencies working with refugee. In addition, the abovementioned “Strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan” was developed in collaboration with IOM, the UN Office on Drugs and Crime, UNICEF and the UN Population Fund.<sup>542</sup> UNHCR also had an agreement with UNICEF regarding the “efficient delivery of critical services to vulnerable groups, especially children”.<sup>543</sup> Moreover, UNHCR Khartoum was working with (and financing) several local organisations on a diverse number of issues. These agencies provided, for instance, psychosocial counselling and conducted the Best Interest of the Child Assessments for UNHCR.

#### 6.1.4. RECENT IMPEDIMENTS FOR UNHCR’S WORK IN SUDAN

As already mentioned in Chapter 5, at the time of research, the operational environment in Sudan remained challenging for humanitarian actors. Moreover, UNHCR Sudan had recently faced several specific internal and external problems. In late 2016, three UNHCR staff members were abducted in the West Darfur city El Geneina.<sup>544</sup> In August 2017, the UNHCR-run El Waral camp (the largest refugee camp in White Nile state with more than 50.000 South Sudanese refugees and asylum seekers) faced violent attacks in which “the camp’s administrative area burnt down, warehouses were plundered, and other violent acts were reported”.<sup>545</sup> Since January 2018, the deteriorating economic situation in Sudan with frequent cash, fuel and basic goods shortages increasingly impeded UNHCR’s humanitarian aid provision and planning.<sup>546</sup> Furthermore, in early

<sup>542</sup> UNHCR (2016a).

<sup>543</sup> Radio Dabanga, ‘UNHCR, Unicef reinforce refugee partnership in Sudan’ <<https://www.dabangasudan.org/en/all-news/article/unhcr-unicef-reinforce-refugee-partnership-in-sudan>> (9 August 2015) accessed 30 December 2019.

<sup>544</sup> UNHCR, ‘UN High Commissioner for Refugees Welcomes Release of Abducted Staff’ (20 December 2016) <[www.unhcr.org/en-us/news/briefing/2016/12/585901d74/un-high-commissioner-refugees-welcomes-release-abducted-staff.html](http://www.unhcr.org/en-us/news/briefing/2016/12/585901d74/un-high-commissioner-refugees-welcomes-release-abducted-staff.html)> accessed 30 December 2019.

<sup>545</sup> Radio Dabanga, ‘UNHCR Concerned about Incidents in White Nile Refugee Camp’ (6 August 2017) <<https://www.dabangasudan.org/en/all-news/article/unhcr-concerned-about-incidents-in-white-nile-refugee-camp>> accessed 30 December 2019.

<sup>546</sup> Radio Dabanga, ‘Sudan Fuel Shortage Slows Humanitarian Aid: UN Agencies’ (4 May 2018) <<https://www.dabangasudan.org/en/all-news/article/sudan-fuel-shortage-slows-humanitarian-aid-un-agencies>> accessed 30 December 2019.

2018 a news article on corruption allegations in UNHCR Khartoum's resettlement unit led to the suspension of the unit and an internal investigation.<sup>547</sup>

## 6.2. VULNERABILITY AND UNHCR'S CASH-BASED INTERVENTIONS IN SUDAN

At the time of research, the vulnerability of potential beneficiaries played a central role in several of UNHCR's policies and activities in Sudan and was identified for a variety of different reasons. Specific needs were, for instance, identified during the registration of refugees, asylum seekers and IDPs. Moreover, the identification of persons eligible for resettlement depended on two explicit vulnerability assessments: one during the first protection interview (which could lead to a person being referred to the resettlement officer) and a second one during the resettlement interview (in order to assess whether the person has to be resettled urgently or whether other durable solutions are also an option). In addition, vulnerability was explicitly assessed in a separate trajectory in order to determine the eligibility of potential beneficiaries for financial assistance. It is this last vulnerability assessment for basic assistance on which the present case study focuses.<sup>548</sup> This section provides an overview of UNHCR Sudan's policy within which this last vulnerability assessment falls: the Cash-based Interventions Programme.

### 6.2.1. GENERAL SCOPE AND OBJECTIVE OF THE CASH-BASED INTERVENTIONS PROGRAMME

The Cash-based Interventions Programme aimed to promote in-cash (instead of in-kind) assistance wherever this was deemed feasible.<sup>549</sup> Through the institutionalisation of cash-based interventions in the period of 2016 – 2020 UNHCR intended to “expand and systematise the use of cash-based interventions as a modality of assistance and service delivery that provides greater dignity of choice to refugees and other people of concern and improves efficiency and effectiveness in the realisation of protection and solutions”.<sup>550</sup> UNHCR defined such cash-based Interventions as “all interventions where cash or vouchers for goods or services are provided to individuals, households or community recipients and not to governments or other state actors”.<sup>551</sup>

<sup>547</sup> UNHCR, ‘UNHCR Suspends Resettlement Programme from Sudan as Fraud Probe Gathers Steam’ (17 May 2018) <[www.unhcr.org/en-us/news/press/2018/5/5afdb0064/unhcr-suspends-resettlement-programme-sudan-fraud-probe-gathers-steam.html](http://www.unhcr.org/en-us/news/press/2018/5/5afdb0064/unhcr-suspends-resettlement-programme-sudan-fraud-probe-gathers-steam.html)> accessed 30 December 2019.

<sup>548</sup> For the rationale underlying this focus see Section 4.1.3.

<sup>549</sup> UNHCR, *Strategy for the Institutionalization of Cash-Based Interventions 2016–2020* (UNHCR 2016b) <<https://cms.emergency.unhcr.org/documents/11982/159474/UNHCR%252C+Strategy+for+the+Institutionalization+of+Cash-Based+Interventions+2016–2020/a175a50a-ea63–4b56-b44e-6c62ba5b4019>> accessed 30 December 2019, 18.

<sup>550</sup> UNHCR (2016b) 2.

<sup>551</sup> UNHCR (2016b) 18.

The reason for this focus on cash-based interventions seemed to be that, according to UNHCR, “[c]ash-based interventions address diverse needs, reduce protection risks and contribute to solutions through rights-based and community-based approaches with individual dignity and choice at the centre”.<sup>552</sup>

UNHCR Sudan engaged in several types of cash-based interventions both in Khartoum and in refugee camps in other parts of Sudan. The present study focuses specifically on cash-based interventions in Khartoum.<sup>553</sup> In Khartoum, the primary contexts in which cash-based interventions played a role were 1) winterisation campaigns, 2) livelihood activities and 3) multipurpose cash grants. Cash for winterisation was incidentally handed out to specific nationalities and did not depend on any vulnerability criteria.<sup>554</sup> Cash for livelihood activities was provided to persons who had participated in a specific training program by a local implementing partner of UNHCR and the distribution did also not depend on a vulnerability assessment. Hence, the identification of vulnerability primarily played a role in the third element of the cash-based intervention policies at UNHCR Khartoum: the provision of multipurpose cash grants. It is this element of the cash-based intervention activities on which the present study focuses.

UNHCR defined multipurpose cash grants as a “regular or one-off transfer corresponding to the amount of money that a household needs to cover, fully or partially, a set of basic and/or recovery needs that span across different sectors, such as shelter, food and livelihoods”.<sup>555</sup> These grants were “by definition unrestricted cash transfers”.<sup>556</sup>

UNHCR Khartoum had been providing multipurpose cash grants for several years but the process underwent considerable streamlining and revision at the beginning of 2017.<sup>557</sup> Its objective for the period of 1 April 2017 until 31 December 2018 was to provide a “[t]emporary emergency safety net to address basic needs of PoC [persons of concern], who are enrolled in UNHCR’s individual case management”.<sup>558</sup> This was intended to result in the targeted “[p]opulation ha[ving] sufficient basic and domestic items”.<sup>559</sup>

## 6.2.2. TARGET GROUP AND IMPLEMENTING AGENCY FOR MULTIPURPOSE CASH GRANTS IN KHARTOUM

In principle, UNHCR’s services, and therefore also the multipurpose cash grants for vulnerable beneficiaries, are accessible to all refugees and asylum seekers. Yet, the provision of multipurpose cash grants at the time of research was limited to refugees

<sup>552</sup> UNHCR (2016b) 3.

<sup>553</sup> For the rationale underlying this focus see Section 4.1.3.

<sup>554</sup> In 2017, this cash for winterisation was, for instance, provided to Syrian and Yemeni refugees. Field Note, 01–01–18 and Field Note 26–03–18.

<sup>555</sup> UNHCR (2016b) 18.

<sup>556</sup> UNHCR (2016b) 18.

<sup>557</sup> Transcript, UNHCR Respondents 7 and 11.

<sup>558</sup> UNHCR (March 2017) 2.

<sup>559</sup> UNHCR (March 2017) 2.

and asylum seekers who met “a set of socioeconomic criteria and compounding vulnerability factors” which, according to UNHCR, served “to ensure financial assistance is based on needs”.<sup>560</sup> Moreover, South Sudanese refugees and asylum seekers were not eligible for multipurpose cash grants in Khartoum but were (after the Sudanese authorities had only granted access to this group at the beginning of 2018) primarily assisted through the large-scale provision of non-food items.<sup>561</sup>

The implementation of the multipurpose cash grants at UNHCR Khartoum was divided between UNHCR’s government implementing partner Refugee Counselling Services (RCS) and UNHCR. In principle, RCS was responsible for all refugees registered in its system. However, as mentioned in Chapter 5, the Sudanese authorities distinguished between ‘brothers and sisters’ (refugees from Syria and Yemen) and refugees (all non-Arab refugees), operated an encampment policy for all non-Arab refugees (which meant that these refugees could not register in Khartoum) and were likely to deport refugees with HIV/AIDS. Hence, RCS did usually not assist Syrian and Yemeni refugees and refugees who were not already registered in Khartoum. To fill these gaps, UNHCR directly implemented the multipurpose cash grants policy for Yemeni refugees and for refugees whom RCS refused to register.<sup>562</sup> In addition, to protect refugees with HIV/AIDS, UNHCR did usually not refer them to RCS but also provided direct assistance to these persons. The present study focuses exclusively on the direct implementation by UNHCR.<sup>563</sup>

### 6.2.3. AMOUNT AND DURATION OF MULTIPURPOSE CASH GRANTS IN KHARTOUM

The provision of multipurpose cash grants at UNHCR Khartoum falls within the abovementioned budget category “basic needs and essential services” and, more specifically, within the sub-category “services for persons with specific needs” (see Section 6.1.2). This means that, in 2017, the provision of multipurpose cash grants for refugees and asylum seekers in Khartoum was covered through UNHCR’s expenditure of US\$ 1.6 million under this sub-category (with a total project budget of approximately US\$ 2 million for the period of 1 April 2017 – 31 December 2018).<sup>564</sup>

The basic value of financial assistance provided to an individual beneficiary was intended to be “based on a calculation of the survival minimum expenditure basket by family size minus a percentage of what is believed that asylum seekers and refugees

<sup>560</sup> UNHCR (March 2017) 3.

<sup>561</sup> Exceptions could be made in extreme circumstances with the approval of the UNHCR Deputy Representative but in general South Sudanese refugees and asylum seekers were not eligible. According to a respondent, the reason for their exclusion was that UNHCR considered this group to be too large to be assisted through multipurpose cash grants. Field Note 3, 20–02–18.

<sup>562</sup> UNHCR (March 2017) 3.

<sup>563</sup> This focus was chosen because of the study’s specific interest in UNHCR and due to the problematic Sudanese authorities at the time of research.

<sup>564</sup> UNHCR (March 2017) 2.

could contribute to meeting their basic needs”.<sup>565</sup> However, at the time of research, the survival minimum expenditure basket had not yet been finalised and the amount of assistance was determined on the basis of previous transfer values and stood at 800 Sudanese pounds (SDG) per month for most vulnerability categories. For each additional family member (partner and/or children) the amount of financial assistance was raised by 100 SDG.<sup>566</sup> The policy entailed three exceptions to this basic rule: 1) slightly different amounts for unaccompanied or separated children<sup>567</sup>, 2) one-time emergency assistance of 1000 SDG and 3) assistance for school fees (and, sometimes, transport fees and school utensils).<sup>568</sup>

It is difficult to translate these values into euros due to the high inflation rate throughout the research period. As such, the value of 800 SDG dropped from around € 40 in November 2017 to below € 20 Euro by April 2018.<sup>569</sup> It is unclear to what extent this amount was sufficient for covering a person’s basic needs since the amount was not based on a survival minimum expenditure basket. However, the survival minimum expenditure basket under development at the time of research suggested that 800 SDG was not even enough to cover the rent for a shared room.

Payments (except the payments for education or emergency assistance) were provided electronically and on a monthly basis. The maximum period of assistance differed depending on the vulnerability criterion which applied to the eligible beneficiary: unaccompanied or separated children received financial assistance until they turned 18, pregnant women until delivery and for six months thereafter, ‘Survivors of torture, violence or victims of trafficking’ for two months and ‘Survivors of SGBV’ for three months. All other categories received assistance for six months.<sup>570</sup> All financial assistance could, in principle, be renewed upon the submission of a new vulnerability assessment.

### 6.3. THE POLICY PROCESS UNDERLYING THE VULNERABILITY ASSESSMENT FOR BASIC ASSISTANCE AT UNHCR KHARTOUM

#### 6.3.1. FEEDBACK LOOP BETWEEN VULNERABILITY ASSESSMENT DESIGN AND IMPLEMENTATION

The vulnerability assessment design and implementation phase for financial assistance at UNHCR Khartoum were somewhat distinct but did not take place

<sup>565</sup> UNHCR (March 2017) 3.

<sup>566</sup> UNHCR (March 2017) Annex 1a.

<sup>567</sup> 300 SDG for unaccompanied children and 200 SDG for separated children in addition to 600 SDG for the caregiver or foster family.

<sup>568</sup> UNHCR (March 2017), Annex 1a.

<sup>569</sup> This is the black market rate. Official exchange rates were kept artificially low which was why everybody was exchanging money on the black market.

<sup>570</sup> UNHCR (March 2017), Annex 1a. Compare also Section 7.1.



in complete isolation from one another. Instead, although formal monitoring and evaluation mechanisms remained minimal at the time of research, there seemed to be a continuous informal feedback loop between implementation experiences and respective adaptations in the vulnerability assessment design. Hence, the vulnerability assessment for basic assistance discussed in this case study merely represents the policy in place at the time of the field research (November 2017 – April 2018) but might have evolved since then. However, in order to increase analytical clarity, the subsequent chapters maintain the distinction between vulnerability assessment design and implementation.

### 6.3.2. THE ROLE OF HEADQUARTERS IN THE VULNERABILITY ASSESSMENT DESIGN AND IMPLEMENTATION

At the time of research, the UNHCR office in Khartoum appeared to enjoy a relatively large level of independence from the headquarters to determine its own vulnerability criteria for basic assistance. Several respondents emphasise that the vulnerability criteria were determined on the basis of field-level discussions at the UNHCR office in Khartoum.<sup>571</sup> One respondent elaborates upon the role that UNHCR headquarters nevertheless played in determining the criteria:

“Headquarters was particularly helpful to exert pressure [...]. If we didn’t get support from [the representative] I could ask headquarters for support. And they would then provide documents or make references or provide feedback”.<sup>572</sup>

This seems to be in line with UNHCR’s Urban Refugee Strategy which asserts that UNHCR is not necessarily aiming for a uniform approach but desires to tailor its work “to the specific circumstances, capabilities and vulnerabilities of different groups, households and individuals within the refugee population”.<sup>573</sup>

The role of UNHCR headquarters appeared similarly marginal with regard to the implementation of the vulnerability-focused basic assistance policy at UNHCR Khartoum. Yet, in some instances technical guidance on, for instance, training materials or other additional information was provided to the field office (upon request).<sup>574</sup>

<sup>571</sup> Transcript, UNHCR Respondent 7. Transcript, UNHCR Respondent 11. Interview notes, UNHCR Respondent 12. Interview notes, UNHCR Respondent 13.

<sup>572</sup> Transcript, UNHCR Respondent 7.

<sup>573</sup> UNHCR, *UNHCR Policy on Refugee Protection and Solutions in Urban Areas* (September 2009) <<https://cms.emergency.unhcr.org/documents/11982/33306/UNHCR%2C+Policy+on+Protection+and+Solutions+in+Urban+Areas/16acdf78-8ac3-4b12-85c9-939e04d8a4a4>> accessed 30 December 2019, 7.

<sup>574</sup> Field Note 1, 10–12–17.



## CHAPTER 7

# THE DESIGN OF THE VULNERABILITY ASSESSMENT FOR BASIC ASSISTANCE AT UNHCR KHARTOUM

This chapter presents the case study's findings regarding the design of the vulnerability assessment for basic (multipurpose cash grant) assistance at UNHCR Khartoum. The chapter first describes the vulnerability assessment itself (7.1), then presents how respondents have struggled with the procedural and substantive administrative dilemmas when designing the vulnerability assessment (7.2), subsequently outlines the contextual constraints perceived as relevant by respondents involved in the design of the vulnerability assessment (7.3) and ends with a short summary in the form of concluding remarks (7.4).

The findings presented in Section 7.1 are based on policy documents and sometimes complemented by information from my participant observation. In this section, interview quotes are merely used for illustrative purposes (for instance, if respondents were explicitly asked to clarify elements of the vulnerability assessment that had been unclear in the policy documents).

The findings presented in Sections 7.2 and 7.3 rely on interviews with four respondents that were directly involved in the design of the vulnerability assessment for basic assistance at UNHCR Khartoum. This includes all the relevant persons who were still working at UNHCR Khartoum at the time of the field research.<sup>575</sup> Where the interview transcripts/notes contained gaps on relevant information that had become apparent during participant observation, the sections seek to nevertheless provide this information through field note references. The sections attempt to present as much raw data as possible without making the text unreadable. Where quotes were relevant to several themes/concepts the quote was merely used once (usually where I found it to be most relevant) and subsequently referred to it in a footnote in other sections where the quote could equally have served to illustrate a certain point.

Some issues were raised and elaborated upon by several respondents while other issues were merely mentioned on the sidelines or were only perceived as relevant by one or few respondents. I tried to indicate this in the text for as much as possible in an

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<sup>575</sup> On respondents see Section 4.3.5.

attempt to distinguish what might merely be the opinion of a single person and what might be a more general issue.<sup>576</sup>

Although the personal/professional characteristics of respondents are not the focus of the present study, a few elements are important to keep in mind.<sup>577</sup> As such, two respondents held senior positions, one was a technical adviser and expert on cash-based interventions, and one was a technical and implementation support staff. Two respondents were men and two respondents were women. Two respondents were national staff and two respondents were international staff. Since the technical adviser had the most in-depth knowledge on the situation, these responses were particularly relevant and insightful and this perspective is therefore most prominently reflected in the responses below.

## 7.1. THE DESIGN OF THE VULNERABILITY ASSESSMENT

This section describes the design of the vulnerability assessment for basic assistance. On the basis of policy documents, but complemented with information from my participant observation and the interviews with respondents involved in the design of the vulnerability assessment, the section outlines the process of selecting eligible beneficiaries (7.1.1), the vulnerability criteria on the basis of which beneficiaries are considered eligible (7.1.2) and additional conditions that beneficiaries have to meet in order to be eligible (7.1.3). The section merely provides an overview of what is intended in the design of the vulnerability assessment but does not yet focus on whether and to what extent this is also followed in the policy implementers' daily work.<sup>578</sup>

### 7.1.1. THE SELECTION PROCESS

The primary function of the vulnerability assessment for basic assistance at UNHCR Khartoum is the selection of eligible beneficiaries: financial assistance is only provided to those beneficiaries who are identified as vulnerable. As is depicted in Figure 1 below, the vulnerability assessment process consists of several steps that can be distinguished as follows:

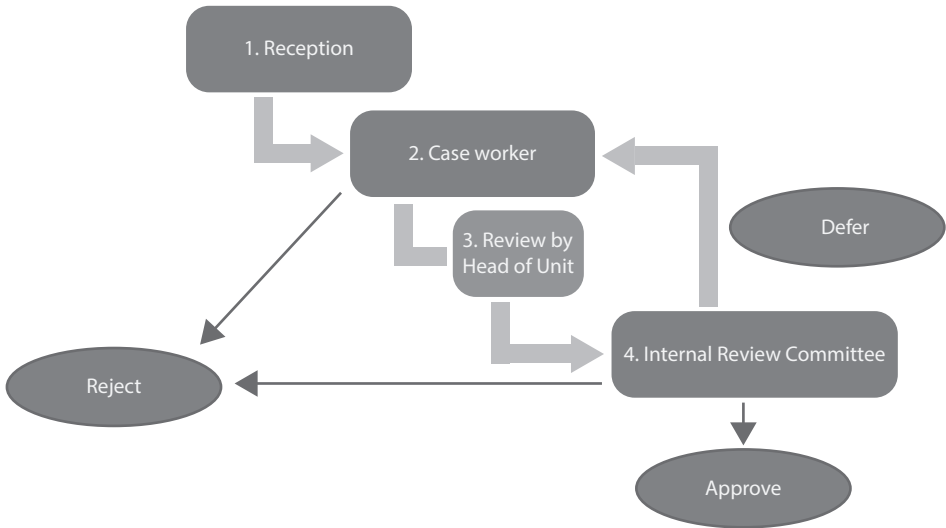
1. Access: A potential beneficiary has to approach the UNHCR reception and is then forwarded to the case workers for the vulnerability assessment.
2. Assessment: A case worker conducts a vulnerability assessment with the potential beneficiary and submits eligible cases for review.

<sup>576</sup> See also Sections 4.2 and 4.5.

<sup>577</sup> See also Section 4.3.5.

<sup>578</sup> On the policy implementers' daily work see Chapter 8.

3. Review: The Head of Unit reviews the assessment submitted by the case worker and submits properly completed assessments to the Internal Review Committee (IRC).
4. Decision: The IRC reviews the assessment and either approves the request for basic assistance, rejects the request or defers the request back to the case worker for amendment and resubmission.



**Figure 1: Vulnerability Assessment Process for Basic Assistance at UNHCR Khartoum**

According to this vulnerability assessment process, case workers are the first persons to actively select potential beneficiaries: they decide with whom to conduct a vulnerability assessment and can reject a person either before or after conducting the vulnerability assessment.<sup>579</sup> Only the cases which the case worker considers eligible are subsequently forwarded to the Head of Unit.

Subsequently, the vulnerability assessments are reviewed by the Head of Unit. However, no rejections take place during this stage and case workers can merely be asked for clarifications and/or corrections before the Head of Unit submits the vulnerability assessments to the IRC. One respondent describes the idea behind this review by the Head of Unit as follows:

“This pre-stage is actually to clear out mistakes – that would be his job. And to say, ‘Yes, this case worker has my approval’ because he would then already be less emotionally involved. But he is also looking for correctness; he should check certain things in ProGres [UNHCR’s internal registration database]: are the data correct and so forth”.<sup>580</sup>

<sup>579</sup> Transcript, UNHCR Respondent 7.

<sup>580</sup> Transcript, UNHCR Respondent 7.

Subsequently, the IRC has the final say in determining which beneficiaries will be assisted. The IRC is supposed to meet at least twice a month to review the submitted cases and is composed of a secretary, one person from the Protection unit and one person from the Programme unit.<sup>581</sup> While, at first sight, this combination of different units might seem like a sensible approach, one respondent asserts that this division was not necessarily intentional:

“Well, actually, only persons from Protection should do it [be IRC members]. And within Protection it should simply be different people. But because this didn’t work so well in the beginning, we also took people from Programme. Also simply to support them and I think simply above all, a bit sad, but because there was more commitment at Programme although it would not actually be the task of Programme to have them there”.<sup>582</sup>

According to the IRC’s Terms of Reference, the IRC should review case workers’ recommendations, document reasons for “non-approvals” (rejection or deferral), ensure compliance with guidelines and criteria, make suggestions to senior staff where guidelines and/or criteria are not respected and ensure compliance of its recommendations through follow-up.<sup>583</sup>

In the following sections and with regard to the implementation of the assessment, the study focuses particularly on the two most complex and most selective of the four abovementioned stages of the selection process since these are the instances in which vulnerability figures most prominently: the case workers’ vulnerability assessment and the review thereof by the IRC.

### 7.1.2. THE VULNERABILITY CRITERIA

Both case workers and IRC members determine the eligibility for basic assistance on the basis of a vulnerability assessment with ten vulnerability criteria. Eligible beneficiaries have to meet at least one of these criteria.<sup>584</sup> For instances in which a beneficiary might fall into more than one category, the Draft Standard Operating Procedures indicate that “social workers can choose all of them, but should decide at the end which one is more relevant and only one category should be applied”.<sup>585</sup>

The detail of the definition for each vulnerability criterion and, related to this, the scope and the potential for ambiguity vary for each criterion. Respondents involved in the design of the vulnerability assessment do not offer any elaborate explanation on the origin of these definitions but generally emphasise the need to interpret them

<sup>581</sup> Transcript, UNHCR Respondent 7. UNHCR (March 2017) 3.

<sup>582</sup> Transcript, UNHCR Respondent 7.

<sup>583</sup> UNHCR (March 2017) Annex 6.

<sup>584</sup> UNHCR (March 2017) Annex 1a.

<sup>585</sup> UNHCR (March 2017) Annex 1a.

narrowly.<sup>586</sup> Table 6 below provides an overview of the vulnerability criteria and their respective definitions.

**Table 6: Vulnerability Criteria and Definitions for Basic Assistance at UNHCR Khartoum**<sup>587</sup>

Vulnerability Criterion	Definition
<i>“Unaccompanied and separated children”</i>	“Unaccompanied: Person below the age of 18 who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so”. “Separated: Person below the age of 18 who is separated from both parents and his/her legal or customary primary caregiver, but not necessarily from other relatives. This may, therefore, include boys and girls accompanied by other adult family members”.
<i>“Child-headed household”</i>	“Person below the age of 18 who has assumed responsibility as head of household”
<i>“Woman at risk”</i>	“Woman of 18 years or above, who is at risk because of her gender, such as single mothers or caregivers, single women, widows, older women, women with disabilities and survivors of violence”
<i>“Survivors of SGBV”</i>	“Persons who have [ <i>sic</i> : are] or have been exposed in the country of asylum to sexual and gender-based violence, including domestic violence, harmful traditional practices, Female Genital Mutilation, threat of honour killing/ violence, forced/early marriage and survival sex”
<i>“Single pregnant women diagnosed with a difficult pregnancy, or lactating woman of a baby below six months”</i>	“Pregnant women without partner or support network, which requires increased medical attention”
<i>“Single parent or caregiver”</i>	“Single person with one or more dependants, including biological or non-biological children, or other dependants (such as an older person)”
<i>“Persons with serious health condition (including chronic disease; HIV/AIDS, kidney failure, TB...)”</i>	“A serious health condition that prevents the person from work, or that requires long-term treatment and/or provision of nutritional items”
<i>“Persons with disabilities”</i>	“Physical, mental, intellectual or sensory impairments that hinder full participation equally with others”
<i>“Elderly persons”</i>	“Person of 60 years old or above, with specific needs”
<i>“Survivors of torture, violence or victims of trafficking”</i>	“Persons who have a permanent or temporary psychological and/or physical impairment due to torture, violence”
<i>“Education”</i>	“Children who cannot go to the public primary schools because of mental and or physical disability (special needs)”
<i>“Emergency Financial Assistance”</i>	“Sudden loss of income source, sudden loss of property, funeral, [or] any vulnerable person that does not qualify for any of the above-mentioned categories”

<sup>586</sup> Transcript, UNHCR Respondent 7. Interview Notes, UNHCR Respondent 12. See also Section 7.2.1.1.

<sup>587</sup> UNHCR (March 2017) Annex 1a.

In addition to these criteria, the vulnerability assessment includes the possibility to tick the box ‘none of them’ (sometimes referred to as ‘other’-criterion by respondents) if none of the vulnerability criteria applies but the case worker nevertheless considers the person to be in need of basic assistance.<sup>588</sup>

### 7.1.3. ADDITIONAL CONDITIONS FOR ELIGIBILITY

The eligibility of potential beneficiaries for basic assistance at UNHCR Khartoum is not only determined on the basis of the above vulnerability criteria but also depends on several additional conditions that have to be met before a person is considered eligible for basic assistance.

First, the Draft Standard Operating Procedures hold that “[a]ll PoC [persons of concern] that are not supported through the Refugee Counselling Service (RCS) are eligible to access UNHCR’s facilities and services” if they have been or will be enrolled with UNHCR’s individual case management.<sup>589</sup> Hence, a potential beneficiary has to 1) be a person of concern to UNHCR, 2) not be supported by the Sudanese counterpart RCS (compare also Section 6.2.2) and 3) be registered in UNHCR’s database before the vulnerability-focused provision of basic assistance becomes an option for this person.

If the above conditions have been met *and* a potential beneficiary falls within one of the vulnerability criteria, two (cumulative) additional conditions apply: the potential beneficiary has to 1) lack any family or community support and 2) has to have a very low income (this last condition does not apply to children).<sup>590</sup>

While these additional conditions are mentioned in the Draft Standard Operating Procedures (upon which, in particular, IRC members rely during the review meetings), the conditions are not explicitly mentioned as an exclusion criterion on the vulnerability assessment form itself (the primary document on which case workers rely). Instead, the vulnerability assessment form in place at the time of research mentions five additional “Compounding vulnerability factors” of which case workers can “tick all that apply”:

- “Dependency ration is equal or greater than 1:3”,
- “Medical illness or disability”,
- “Low income or no source of income”,
- “Lack of extended family or community support in Khartoum”,
- “Specific needs code (specify)”.<sup>591</sup>

<sup>588</sup> See also Section 7.2.1.1.

<sup>589</sup> UNHCR (March 2017) 2 and 3.

<sup>590</sup> UNHCR (March 2017), Annex 1a.

<sup>591</sup> Field Note 1, 19–11–17. Specific needs code refers to the code attached to a case file during registration in UNHCR’s internal registration database ProGres.

The vulnerability assessment design itself does not explain the purpose or definition of these “Compounding vulnerability factors”. However, one respondent involved in the vulnerability assessment design process elaborates upon the idea behind having these additional vulnerability factors:

“It is like a sub-layer [...], [in addition to the vulnerability criteria] two of them would have to be met [in order to be eligible]. And it is a little bit to assist to define how a category should actually be defined. In fact, that was the idea behind it”.<sup>592</sup>

In addition to these conditions, the vulnerability assessment inventories the type of refugee status of a potential beneficiary and whether the person has received basic assistance before but does not provide guidelines on the purpose of this inventory.

## 7.2. ADMINISTRATIVE DILEMMAS FOR THE VULNERABILITY ASSESSMENT DESIGN

The administrative dilemmas identified in this study reflect the procedural and substantive design and implementation issues that the respondents commonly encounter in their work with a vulnerability assessment and have an opinion on.<sup>593</sup> This section focuses on the administrative dilemmas respondents involved in the design of the vulnerability assessment for basic assistance at UNHCR Khartoum consider relevant for the assessment design.

It remains challenging to disentangle all possible administrative dilemmas that might have played a role in the design of the vulnerability assessment and, due to the broad exploratory nature of this study, the below overview might not be comprehensive. Instead, as Chapter 3 explains, the study identified and relies on three procedural and three substantive dilemmas as particularly insightful for this study’s research question.

The procedural dilemmas for the vulnerability assessment relate to the respondents’ preferences and choices regarding: 1) rigidity or flexibility, 2) feasibility or comprehensiveness and 3) under- or over-inclusiveness. The substantive dilemmas for the basic assistance relate to the respondents’ preferences and choices with regard to 1) short-term relief and/or structural change, 2) control and/or support and 3) material needs and/or protection risks. The preferences or choices regarding these dilemmas are not necessarily mutually exclusive. Instead, the respective perspectives and actual approaches adopted in the vulnerability-focused basic assistance can reflect an attempt to balance between the different possibilities.<sup>594</sup>

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<sup>592</sup> Transcript, UNHCR Respondent 7.

<sup>593</sup> See Section 1.7 and compare Chapter 3.

<sup>594</sup> Compare Section 14.2.

## 7.2.1. PROCEDURAL DILEMMAS

### 7.2.1.1. *Procedural Dilemma 1: Rigidity or Flexibility?*

Three of the four respondents involved in the design of the vulnerability assessment comment on the trade-off between a more rigid and a more flexible assessment.<sup>595</sup> One of these three respondents merely asserts (when asked about any discussions regarding how much detail should be included in the definition) that “*everybody who is working with [...] [the assessment] knows very very well what [...] we mean when we say woman at risk and survivor of SGBV*”.<sup>596</sup>

The two other respondents who comment on this dilemma are more explicit. When asked about the purpose of the assessment, one of these two respondents, for instance, holds that aiming for “*very narrowly defined*” criteria<sup>597</sup> is preferable for several reasons:

“The general idea with the vulnerability criteria is that we should be objectively able to say with clean conscience to other refugees that we help those for reason A,B,C and for this reason you are not eligible [...] people will watch and ask themselves: why is this person receiving assistance and I am not. So the definition has to be very narrowly defined”.<sup>598</sup>

When talking about victims of trafficking as one of the vulnerability criteria and after having told a story about how, in the respondent’s opinion, case workers are too lenient in this respect, the same respondent underlines:

“So when Trump is reducing quotas for resettlement because agencies don’t apply the criteria strictly because staff of these agencies are compassionate then he is right to do so”.<sup>599</sup>

The other respondent asserts (when asked about the biggest challenge for the assessment): “*the impartiality*”.<sup>600</sup> The respondent further remarks:

“I have to say very honestly, I don’t know how they [case workers] fill out the vulnerability assessments. [...] On the one hand I think the assessments should almost leave less freedom to write something [...] on the other hand, it is necessary to have more information, written information”.<sup>601</sup>

<sup>595</sup> The fourth respondent did not have enough time to be interviewed in depth and could therefore not be questioned on this issue.

<sup>596</sup> Transcript, UNHCR Respondent 11.

<sup>597</sup> Interview Notes, UNHCR Respondent 12.

<sup>598</sup> Interview Notes, UNHCR Respondent 12.

<sup>599</sup> Interview Notes, UNHCR Respondent 12. Also mentioned in Transcript, UNHCR Respondent 7.

<sup>600</sup> Transcript, UNHCR Respondent 7.

<sup>601</sup> Transcript, UNHCR Respondent 7. Also mentioned in Interview Notes, UNHCR Respondent 12.



The respondent also suggests that “*capacity building with the case workers*” and “*a catalogue of questions which they have to answer [in each vulnerability assessment]*” could mitigate this issue.<sup>602</sup>

Additionally, this respondent repeatedly returns to the dilemma between rigidity and flexibility during the interview and mentions several reasons for why rigidity should be the primary focus. As such, the respondent asserts that rigidity is important because “*you have different units involved*” and standardised processes can therefore offer “*protection against misuse of any funds*”.<sup>603</sup> Moreover, the respondent argues that rigidity is important “*for protecting case workers because it is also accountability. [...] But it also creates, it should create, clarity towards the refugees*”.<sup>604</sup> Furthermore, the respondent asserts: “*And it [standardisation] should facilitate the work. In order to then have more time for counselling*”.<sup>605</sup> When asked about what would be necessary to improve the status quo, the respondent elaborates:

“I think, once you have standards which are clear, that facilitates the work tremendously and you can simply have much more time for other things [...] time is always the factor and very often the limiting factor”.<sup>606</sup>

#### 7.2.1.2. Procedural Dilemma 2: Feasibility or Comprehensiveness?

All respondents involved in the design of the vulnerability assessment refer to the dilemma between feasibility and comprehensiveness in one way or another without being explicitly asked about it. The respondents either favour or pragmatically accept that the vulnerability criteria have to be feasible and assert that comprehensiveness is difficult to achieve.<sup>607</sup>

Two respondents elaborate on this dilemma and explain that it is difficult to develop a comprehensive list of vulnerability criteria even if it were desirable to do so.<sup>608</sup> One of these respondents holds:

“The issue with any legal definition is: you make a list of what it contains but, by nature, this means that you exclude other aspects. But it is impossible to include all possible options so the criteria have to emerge as we go along”.<sup>609</sup>

The other respondent asserts:

“The thing is, if you make the assessment, the more questions you include, the more you can create an incentive for the case worker to not fill them in. Unfortunately. So you want a

<sup>602</sup> Transcript, UNHCR Respondent 7.

<sup>603</sup> Transcript, UNHCR Respondent 7.

<sup>604</sup> Transcript, UNHCR Respondent 7. Also mentioned in Interview Notes, UNHCR Respondent 12.

<sup>605</sup> Transcript, UNHCR Respondent 7.

<sup>606</sup> Transcript, UNHCR Respondent 7.

<sup>607</sup> Transcript, UNHCR Respondent 7. Transcript, UNHCR Respondent 11. Interview Notes, UNHCR Respondent 12. Interview Notes, UNHCR Respondent 13.

<sup>608</sup> Transcript, UNHCR Respondent 7. Interview Notes, UNHCR Respondent 12.

<sup>609</sup> Interview Notes, UNHCR Respondent 12.

simple system. But the simpler the system, the more difficult it is to take a decision. So you have to somehow have a mixture”.<sup>610</sup>

#### 7.2.1.3. Procedural Dilemma 3: Risking Under- or Over-inclusiveness?

Three of the four respondents involved in the design of the vulnerability assessment refer to the trade-off between risking an under-inclusive assessment through overly narrow vulnerability criteria and risking an over-inclusive assessment through overly broad vulnerability criteria.<sup>611</sup>

When elaborating upon how the vulnerability criteria evolved, one of these three respondents, for instance, asserts:

“[W]e have like ‘other’ there, you can tick it. If you find that, to give like a case for other vulnerabilities that you are not aware of or for other situations that are not fitting the criteria that we have. Because you cannot assume that this criteria is covering all the refugee situations”.<sup>612</sup>

Another respondent appears to be torn between whether the risk of under- or over-inclusiveness is worse. When confronted with the dilemma that over-rigorous standardisation might lead to the risk of excluding persons who could potentially be in need of assistance, this respondent, for instance, first asserts: “*Include too little people* [would be worse]. *Because the other one you can still correct*”.<sup>613</sup> When elaborating upon the open criterion the same respondent similarly holds:

“Because if you don’t have that [the open criterion] anymore and the people [case workers] are not flexible enough to really see ‘this is missing, something like that we didn’t have yet but we still want the best for the person’ – then you have a problem”.<sup>614</sup>

Simultaneously, however, the same respondent also points to the risks of an overly inclusive assessment:

“I am very honestly more concerned about cases which exploit the system and then somehow spread this and then achieve this pull effect that other people come. Just now for instance [the criterion] ‘woman at risk’. These things almost make me more concerned, and when you look that it is actually only, well less than 1% which we reject [at the IRC]. So really very very few”.<sup>615</sup>

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<sup>610</sup> Transcript, UNHCR Respondent 7.

<sup>611</sup> The fourth respondent did not have enough time to be interviewed in depth and could therefore not be questioned on this issue.

<sup>612</sup> Transcript, UNHCR Respondent 11.

<sup>613</sup> Transcript, UNHCR Respondent 7. See also Section 7.2.2.2.

<sup>614</sup> Transcript, UNHCR Respondent 7.

<sup>615</sup> Transcript, UNHCR Respondent 7.

Another respondent is also more concerned about the risk of potentially over-inclusive vulnerability criteria and, for instance, holds with regard to the provision of emergency financial assistance:

“[T]he criterion has to be applied strictly because otherwise people will come daily claiming their house burnt down [...] Also, on this continent the perception of family is different so even if you lose someone remotely related people will come to claim assistance so again, this criterion has to be applied very strictly”.<sup>616</sup>

These last two respondents link their preference for risking under-inclusiveness to the desire to limit potential fraud among beneficiaries. Both respondents repeatedly refer to this issue in their replies and voice concerns about lacking verification and about overly broad criteria becoming a pull factor that invites potential beneficiaries to trick the system. One of these respondents asserts: “*[T]hrough the standardisation it should also not be that easy anymore to betray the system*”.<sup>617</sup> The same respondent elaborates further:

“I therefore also think that it is very important, that some, well that it is possible to verify the things somehow. I think, I really don’t know how qualified our case workers are to ask trick questions to find out whether the person is lying or not. [...] For us it would be in part relatively easy, well relatively easy, it is simply that you could make home visits and there are relatively many which are in need. But I don’t really know how this whole thing, well whether it is feasible”.<sup>618</sup>

The other respondent who appears concerned about fraud among beneficiaries asserts: “*Most refugees complain about harassment etc. so if we were to believe this, the whole urban case load would have to be resettled*”.<sup>619</sup> In another instance the same respondent holds: “*The VoT [victim of trafficking] criterion really became a pull factor*” and with regard to another criterion the respondent mentions: “*we cannot provide it on a daily basis because then it would become open to abuse*”.<sup>620</sup> Moreover, the same respondent asserts upon the question of why the vulnerability criterion ‘Legal and/or physical protection needs’<sup>621</sup> had not been included in the assessment:

“It is too broad; especially in the Sudanese context every refugee who finds himself in the wrong time at the wrong place can be harassed by the police and gets his papers torn etc. So it is open to abuse by refugees”.<sup>622</sup>

<sup>616</sup> Interview Notes, UNHCR Respondent 12.

<sup>617</sup> Transcript, UNHCR Respondent 7. Also mentioned in Interview Notes, UNHCR Respondent 12.

<sup>618</sup> Transcript, UNHCR Respondent 7.

<sup>619</sup> Interview Notes, UNHCR Respondent 12.

<sup>620</sup> Interview Notes, UNHCR Respondent 12.

<sup>621</sup> The issue that this criterion had been left out of the assessment emerged as a point of discussion among respondents during my participant observation.

<sup>622</sup> Interview Notes, UNHCR Respondent 12.

## 7.2.2. SUBSTANTIVE DILEMMAS

### 7.2.2.1. *Substantive Dilemma 1: Short-term Relief and/or Structural Change?*

Three of the four respondents involved in the design of the vulnerability assessment for basic assistance at UNHCR Khartoum comment on this dilemma.<sup>623</sup> The general answers by one of these respondents are more focused on the provision of very limited assistance which suggests that the respondent perceives the vulnerability assessment as being linked to short-term relief rather than structural change.<sup>624</sup>

The answers by the other two respondents are more explicit on this issue. When asked about how the vulnerability assessment evolved, one of these respondents suggests that the move from one-off payments towards several months of financial assistance was an attempt to work towards more structural change:

“And then came the idea of ‘ok, why don’t we make it more than one time’, because we noticed that most of the vulnerable cases that approached the office they are women at risk, women without husband. So if a woman without husband with children, the economic situation with food and rent, one time financial assistance is no solution”.<sup>625</sup>

A third respondent asserts (when discussing the desired scope of the assistance):

“I think for this [structural change] in part the resources are missing and maybe in part also the commitment. It is then absolutely not long-term, it is changing so quickly. So I think because of that, one has to, in fact, always look – even if you are conscious of the fact that this might not be the best solution – for the best solution for the moment”.<sup>626</sup>

This respondent also provides a concrete example of how the provision of basic assistance is insufficient if structural issues are not taken into account:

“Well, completely clear, girls don’t go to school because they are responsible for fetching water. Yes. And this is something that has to be extremely taken into account, well, [in] what can be done in terms of capacity building”.<sup>627</sup>

### 7.2.2.2. *Substantive Dilemma 2: Control and/or Support?*

Respondents were not directly asked about their preference for control- and/or support-oriented measures. However, several aspects relevant to this dilemma emerge from the

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<sup>623</sup> The fourth respondent did not have enough time to be interviewed in depth and could therefore not be questioned on this issue.

<sup>624</sup> Interview Notes, UNHCR Respondent 12.

<sup>625</sup> Transcript, UNHCR Respondent 11.

<sup>626</sup> Transcript, UNHCR Respondent 7.

<sup>627</sup> Transcript, UNHCR Respondent 7.

replies by three of the four respondents to other questions and from the vulnerability assessment design itself.<sup>628</sup>

When elaborating upon some of the issues that were discussed with regard to the vulnerability assessment design, one respondent, for instance, mentions that the consensus was the following: *“The system has to be monitored, it has to be follow-up, [...] that based on each [individual assessment] we approve the financial assistance”*.<sup>629</sup> Another respondent asserts (when asked about any gaps in the current assessment) that monitoring efforts should be improved *“because I think, if you see the data [derived from such monitoring efforts], then you realise much more what is actually missing”*.<sup>630</sup> Additionally, this respondent and another respondent voice their concern about the risk of fraud among beneficiaries, thereby implying that control measures are important.<sup>631</sup>

The design of the vulnerability assessment itself envisages several verification and monitoring mechanisms, such as the requirement to provide (updated) psychological and/or medical reports and the requirement to submit a Best Interest of the Child assessment for ‘Unaccompanied or separated children’.<sup>632</sup> Age verification procedures (especially teeth checks) had been a point of discussion during the design phase of the vulnerability assessment but were not conducted at the time of research. One respondent elaborates:

“[W]e had really quite a lot of discussions in the beginning, [...] why we don’t conduct teeth checks. Teeth checks are unambiguous by now [...]. And the thing is that we decided back then that it is not about that, but that we want to keep the teenagers off the street and that, if then someone cheats and is one or two years older, that’s ok. [...] Of course, if there are now suddenly a lot of them at once and say yes, we are all 17, yes, also then, then they are one year, they are supported”.<sup>633</sup>

Although not explicitly stated in the design of the vulnerability assessment, UNHCR had also conducted home visits to verify and/or monitor the situation of the potential beneficiary in the past.<sup>634</sup> At the time of research, the re-introduction of this mechanism was being discussed and was favoured by three of the four respondents involved in the design of the vulnerability assessment.<sup>635</sup>

Additionally, the vulnerability assessment design envisages the restriction of the number of months (for which financial assistance is being provided) as another

<sup>628</sup> The fourth respondent did not have enough time to be interviewed in depth and could therefore not be questioned on this issue.

<sup>629</sup> Transcript, UNHCR Respondent 11.

<sup>630</sup> Transcript, UNHCR Respondent 7.

<sup>631</sup> See Respondents 7 and 12 in Section 7.2.1.3.

<sup>632</sup> UNHCR (March 2017) Annex 1a.

<sup>633</sup> Transcript, UNHCR Respondent 7.

<sup>634</sup> Field Note 1, 16–11–17.

<sup>635</sup> Transcript, UNHCR Respondent 7. Transcript, UNHCR Respondent 11. Interview Notes, UNHCR Respondent 12.

potential verification and monitoring mechanism. This appeared to be based on the assumption that shorter time periods allow for a frequent review of the beneficiary's situation. One respondent, for instance, indicates the purpose of this limited number of months: *"Well, the thing is, we have, I think, two months for the one [criterion], but I have to say this is about doing follow-up very quickly"*.<sup>636</sup> Accordingly, most eligible beneficiaries can receive financial assistance for a period of six months. However, this assistance for "Survivors of torture, violence or victims of trafficking" is limited to two months and the assistance provided to "Survivors of SGBV" is limited to three months (both with the potential for renewal if the situation has not improved).<sup>637</sup>

Specific support measures other than the financial assistance provision itself and the requirement to provide recommendations could not be identified. Two of the four respondents involved in the design of the vulnerability assessment mention a desire to support beneficiaries by making them self-reliant and mitigating any risk of them growing dependent upon the assistance.<sup>638</sup> One of these respondents is particularly invested in the idea that *"cash is only a tool, not an end in itself"*.<sup>639</sup> However, the respondents do not mention any specific measures that could provide such support.

### 7.2.2.3. Substantive Dilemma 3: Material Needs and/or Protection Risks?

Three of the four respondents involved in the design of the vulnerability assessment view material needs and protection risks as closely related and as both being part of vulnerability.<sup>640</sup> When asked about a definition for vulnerability one respondent, for instance, asserts:

"[T]o be objective we link it [vulnerability] to protection because all refugees have needs. Some protection risks are in themselves vulnerabilities but because protection risks are broad, vulnerability helps us to narrow it down".<sup>641</sup>

Another respondent replies to the same question in a similar way:

"[E]verybody who is in need of protection is vulnerable for me. Because [...] protection is not only provision of safety, it is also [...] supporting with the economic situation, the basic needs of the person of concern. So vulnerability is like a compilation of factors [...] for example, women-headed households, she does not have anybody to help her, she has like

<sup>636</sup> Transcript, UNHCR Respondent 7.

<sup>637</sup> UNHCR (March 2017) Annex 1a.

<sup>638</sup> Transcripts, UNHCR Respondent 7. Transcript, UNHCR Respondent 11. Due to the limited availability of the respondents I could not ask the other two respondents on this issue.

<sup>639</sup> Field Note, 07–12–17. See also Section 7.3.3.

<sup>640</sup> Transcript, UNHCR Respondent 7. Transcript, UNHCR Respondent 11. Interview notes, UNHCR Respondent 12. The fourth respondent did not have enough time to be interviewed in depth and could therefore not be questioned on this issue.

<sup>641</sup> Interview Notes, UNHCR Respondent 12.

many children, she is in need, she is vulnerable and this is a risk. So when I relate it to the risk, that means vulnerability is [...] the deterioration of the protection situation for a person of concern”.<sup>642</sup>

A third respondent equally links vulnerability to both material needs and protection risks when stating that the purpose of the assistance provided through the vulnerability assessment is to allow beneficiaries to know that *“now I don’t have to take care of my three children, I have a bit of money, now I look and see what else I can do to protect myself”*.<sup>643</sup>

### 7.3. CONTEXTUAL CONSTRAINTS FOR THE VULNERABILITY ASSESSMENT DESIGN

This section outlines to what extent and how the respondents involved in the design of the vulnerability assessment for basic assistance at UNHCR Khartoum perceive contextual constraints as relevant for the design of the assessment. In this study, contextual constraints are defined as the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy.<sup>644</sup> The section relies on the six contextual constraints outlined in Chapter 3, namely the perceived role of 1) UNHCR’s mandate and international legal obligations, 2) financial and resource constraints, 3) the international community, 4) the operational environment, 5) previous experiences and 6) the organisational structure and culture.

#### 7.3.1. THE ROLE OF UNHCR’S MANDATE AND INTERNATIONAL LEGAL OBLIGATIONS

Although some respondents refer to protection (which could be interpreted as a reference to UNHCR’s protection mandate), the respondents involved in the design of the vulnerability assessment diverge in the extent to which they consider UNHCR’s mandate or international legal obligations as directly relevant for the assessment.<sup>645</sup> When asked about the influences upon the vulnerability assessment, none of the respondents explicitly refers to UNHCR’s mandate or international law/human rights as having played a fundamental role. Only when explicitly asked about the role of UNHCR’s mandate and the organisation’s international legal obligations for the design

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<sup>642</sup> Transcript, UNHCR Respondent 11.

<sup>643</sup> Transcript, UNHCR Respondent 7.

<sup>644</sup> See Section 1.7 and compare Chapter 3.

<sup>645</sup> Compare also Section 7.2.2.3.

of the vulnerability assessment, respondents suggest that this had some, albeit limited, relevance. One respondent holds in this respect:

“International Human Rights Law or International Refugee Law did not play a direct role for any [vulnerability] criteria but is obviously the foundation upon which we operate. We are driven by the humanitarian assistance context”.<sup>646</sup>

Another respondent asserts upon the same question:

“Yes [international law did play a role], in the sense of taking into account the refugee status [...] other than that, no. No. What I know is that we also had cases of [...] economic refugees. And there we clearly said ‘no, we don’t want to support this’. So we don’t support this. But with regard to human rights, only if protection is concerned, then it would be relevant again”.<sup>647</sup>

Another respondent perceives the vulnerability criteria as entailing a “*legal definition*” but does not refer to any concrete legal framework.<sup>648</sup> The fourth respondent does not refer to human rights or any legal context but does mention “*the standards from UNHCR*” as relevant to the vulnerability assessment.<sup>649</sup>

### 7.3.2. THE ROLE OF FINANCIAL AND RESOURCE CONSTRAINTS

Without being directly questioned about the role of financial and resource constraints, one respondent involved in the design of the vulnerability assessment suggests that the vulnerability assessment is necessary since “*there is the budget: Sadly, sadly, it is not possible to help everyone and sometimes it only suffices for a certain percentage*”.<sup>650</sup> The other respondents involved in the design of the vulnerability assessment do not refer to any financial or resource constraints and, due to their limited availability, could not be asked about this issue. However, the above respondent’s perspective on the central role of financial constraints for the introduction of the vulnerability assessment is also reflected in UNHCR Khartoum’s internal policy documents and discussions on this issue could be observed during my participant observation.

### 7.3.3. THE ROLE OF THE INTERNATIONAL COMMUNITY

Although none of the respondents was explicitly asked about the role of the international community, one respondent mentions donors and UNHCR’s competition

<sup>646</sup> Interview Notes, UNHCR Respondent 13. See also Section 7.3.3.

<sup>647</sup> Transcript, UNHCR Respondent 7.

<sup>648</sup> Interview Notes, UNHCR Respondent 12. See also Section 7.2.1.2.

<sup>649</sup> Transcript, UNHCR Respondent 11. See also Section 7.3.4.

<sup>650</sup> Transcript, UNHCR Respondent 7.



with the World Food Programme (WFP) as relevant to the vulnerability assessment design at UNHCR Khartoum:

“In fact, donors would very, very much like one agency that does everything. And then it simply happens a lot that WFP and UNHCR quasi-compete against each other for who gets the funds. And I thought it was really rather sad, and I hear that frequently, well, I’ve heard it several times, people [UN employees] then say ‘Yes, in Turkey we lost. In this country we lost. But in this country we won.’ But it is not about who is winning or losing. And I really simply, well, this approach I find very bad”.<sup>651</sup>

The respondent further asserts that the rationale behind the introduction of a cash-based intervention policy at UNHCR was that “*WFP is conducting two rather large projects [with cash-based assistance] in camps with IDPs. So if they are able to do that, then, in fact, UNHCR should also be able to do that*”.<sup>652</sup> Yet, the respondent also suggests that it would be a pity if UNHCR had to mirror WFP’s approach:

“I mean I now saw the assessments which WFP does when they calculate the survival minimum expenditure. And they have some very simple formula without any needs assessment, without looking whether any protection-related issues are at stake and so forth. Without thinking seasonally. All this is somehow not taken into account. [...] And I would find it a pity if UNHCR has to develop into this direction”.<sup>653</sup>

Another respondent holds that UNHCR’s relationship with WFP also influenced the vulnerability criteria themselves:

“I don’t know how each criterion evolved but there were several contexts which gave shape to it over time: first, the global food distribution in camps. Here WFP played the crucial role: sometimes rations had to be cut and then there was need to identify who would be most adversely affected. These were commonly the elderly, single parents/mothers [...] SGBV survivors [...] [and] victims of trafficking”.<sup>654</sup>

The other two respondents involved in the design of the vulnerability assessment at UNHCR Khartoum do not refer to WFP or any other international agency or donors as relevant to the assessment.<sup>655</sup> Yet, I could also observe UNHCR’s general competition with and orientation along the lines of WFP during external meetings at which representatives of UNHCR and WFP were present.<sup>656</sup>

The policy documents, participant observation and replies by respondents also indicate that the three international political priorities mentioned in Chapter 3

<sup>651</sup> Transcript, UNHCR Respondent 7.

<sup>652</sup> Transcript, UNHCR Respondent 7.

<sup>653</sup> Transcript, UNHCR Respondent 7.

<sup>654</sup> Interview Notes, UNHCR Respondent 12.

<sup>655</sup> Due to their limited availability, I was unable to ask these respondents directly about this issue.

<sup>656</sup> Field Note, 12–12–17.

(emergency relief, sustainable development and migration management) were all somewhat relevant to the design of the vulnerability assessment at UNHCR Khartoum.

First, as indicated in Chapter 6, emergency relief was the largest item on UNHCR Sudan's budget at the time of research. Without being explicitly asked about this, two respondents indeed consider the emergency relief rationale as fundamental to the provision of basic assistance at UNHCR Khartoum. These respondents specifically relate the origin of the vulnerability criteria to the camp (and thus the emergency relief) context.<sup>657</sup> Yet, one of these respondents simultaneously suggests that, despite this focus, the emergency rationale is not entirely adequate for the urban context: "[F]rom my point of view, well here in Khartoum you have, in fact, little emergency. That means you can plan a lot in advance, in theory".<sup>658</sup>

Second, as regards sustainable development, UNHCR Khartoum's Draft Standard Operating Procedures for the vulnerability-focused basic assistance policy mention that, while basic assistance "serves as a temporary emergency safety net", longer-term solutions should also be identified.<sup>659</sup> Additionally, the references by two respondents to dependency issues also suggest some awareness about sustainability.<sup>660</sup> Yet, one of these respondents remains sceptical about UNHCR's ability to provide any sustainable solutions in Sudan:

"Minimise the damage. That's what it is about. That one somehow, in some best possible way minimises the damage. Yes. And I think this is then playing out in every aspect. Hence, so partially, in fact, you are extinguishing the fire. You can't build walls to protect yourself from the fire. In fact, one intends to do this but then something happens here and here and so forth".<sup>661</sup>

Third, the migration management rationale is not explicitly mentioned in any of the policy documents I could review. Nevertheless, two respondents mention considerations which could be interpreted as related to migration management, namely their concerns about creating a pull factor for people to come to Khartoum if the basic assistance were to become too easy to acquire or overly generous.<sup>662</sup>

#### 7.3.4. THE ROLE OF THE OPERATIONAL ENVIRONMENT<sup>663</sup>

Although all respondents consider the operational environment as crucial for the design of the vulnerability assessment, they emphasise different aspects in this respect.<sup>664</sup> One

<sup>657</sup> Transcript, UNHCR Respondent 7. Interview Notes, UNHCR Respondent 12. See Section 7.3.2 and previous paragraphs in Section 7.3.3. Compare also Section 7.2.2.1.

<sup>658</sup> Transcript, UNHCR Respondent 7.

<sup>659</sup> UNHCR (March 2017) 2.

<sup>660</sup> Transcripts, Respondents 7 and 11. See Section 7.2.2.2.

<sup>661</sup> Transcript, UNHCR Respondent 7.

<sup>662</sup> Transcript, UNHCR Respondent 7. Interview Notes, UNHCR Respondent 12. See Sections 7.2.1.3 and 7.3.4.

<sup>663</sup> Compare also Chapters 5 and 6.

<sup>664</sup> Transcript, UNHCR Respondent 7. Transcript, UNHCR Respondent 11. Interview Notes, UNHCR Respondent 12. Interview Notes, UNHCR Respondent 13.

respondent asserts (when asked about the influences upon the vulnerability assessment design):

“Three aspects were crucial [for the vulnerability criteria]: the needs on the ground, the profile of the refugees and the Sudanese Asylum Act. So legal context, needs and refugee profile”.<sup>665</sup>

This respondent also refers to the economic situation in Sudan as having played a role for determining how vulnerability should be identified:

“Difficult choices during the meeting [in which the vulnerability assessment design was discussed] were that we had to take into account both the economic conditions in Sudan and the individual family conditions”.<sup>666</sup>

Another respondent asserts that the vulnerability criteria are “based on our situations here at the [reception] window and information about refugees and the specific needs and the standards from UNHCR”.<sup>667</sup>

The two other respondents primarily refer to the operational environment in relation to the differences between the urban and the camp setting. As such, one respondent suggests:

“Here, in the urban environment specifically: UNHCR’s general premise is that we only provide legal/administrative assistance and no further support because refugees are generally assumed to be able to support themselves. So we only provide assistance if it would be unreasonable for them to relocate to the camps”.<sup>668</sup>

The other respondent asserts along similar lines:

“It sounds a bit harsh, it really sounds a bit harsh, but if you go into the field and see under what miserable circumstances the people in the camps live, then the people here [in Khartoum] almost don’t worry you anymore”.<sup>669</sup>

### 7.3.5. THE ROLE OF PREVIOUS EXPERIENCES

Policy documents and respondents involved in the design of the assessment suggest several types of previous experiences as relevant to the vulnerability assessment design, most notably: 1) headquarters policies, 2) other assessments and 3) general organisational, sector and/or personal staff experience.

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<sup>665</sup> Interview Notes, UNHCR Respondent 13.

<sup>666</sup> Interview Notes, UNHCR Respondent 13.

<sup>667</sup> Transcript, UNHCR Respondent 11.

<sup>668</sup> Interview Notes, UNHCR Respondent 12.

<sup>669</sup> Transcript, UNHCR Respondent 7.

First, although not explicitly mentioned by any respondent, UNHCR Khartoum's Draft Standard Operating Procedures for the vulnerability-focused basic assistance policy refer to two headquarters policy documents which underlie the development of the vulnerability assessment: UNHCR's Cash-Based Interventions Policy and the organisation's Urban Refugee Strategy.<sup>670</sup>

The Cash-Based Interventions Policy is aiming for the expansion and increased use of cash-based interventions in UNHCR's "assistance and service delivery".<sup>671</sup> However, this policy is silent on vulnerability and, while mentioning that targeting should be part of the implementation effort, the policy document does not provide any more detailed guidance in this respect.<sup>672</sup>

The Urban Refugee Strategy, on the other hand, seems more directly relevant to the content of the vulnerability assessment. This document, for instance, explicitly refers to vulnerability in relation to "women, children and older people" vulnerable "to sexual and gender-based violence (SGBV), HIV-AIDS, human smuggling and trafficking".<sup>673</sup> In addition, the document emphasises the importance of UNHCR's "Age, Gender and Diversity Mainstreaming" which "recognises that the different groups to be found within any refugee population have varying interests, needs, capacities and vulnerabilities" and "strive[s] to map and respond to the specific situation of groups such as women, children, older persons, unaccompanied and separated minors, as well as ethnic minorities".<sup>674</sup> The document also asserts that, "while young refugee men are not normally considered to be particularly vulnerable" the urban context can make them vulnerable since "those who work illegally and in the informal sector of cities and towns may be at particular risk of detention, deportation, exploitative and hazardous employment" and that, subsequently, "women and girls may also be threatened if steps are not taken to address the diminished role and self-esteem of men when they lose their role as family breadwinner".<sup>675</sup> UNHCR's Urban Refugee Strategy further emphasises the urban environment as posing particular challenges in terms of vulnerability by stating that "complications arise from the fact that urban refugees are often scattered throughout a city, making it difficult to make contact with them, to determine their needs and identify the most vulnerable amongst them" and recognising that "the most vulnerable amongst them are sometimes the least visible and vocal".<sup>676</sup>

Second, in addition to official headquarters policies, respondents suggest that several field office documents both from Sudan and from other UNHCR field offices informed the design of the vulnerability assessment for basic assistance at UNHCR Khartoum. One respondent asserts that two earlier vulnerability assessments at UNHCR Khartoum

<sup>670</sup> UNHCR (March 2017) 1; Interview Notes, UNHCR Respondent 13.

<sup>671</sup> UNHCR, *Policy on Cash-Based Interventions* (October 2016) <<https://www.unhcr.org/cash-based-interventions.html>> accessed 30 December 2019, 2.

<sup>672</sup> UNHCR (October 2016) 6.

<sup>673</sup> UNHCR (September 2009) 2.

<sup>674</sup> UNHCR (September 2009) 7.

<sup>675</sup> UNHCR (September 2009) 7.

<sup>676</sup> UNHCR (September 2009) 13, 22.

served as guidance for the vulnerability assessment.<sup>1</sup> In addition, participant observation indicate that UNHCR's the so-called Specific Needs Codes, which are commonly used during UNHCR registration exercises, are closely related to the vulnerability assessment.<sup>2</sup> However, when asked explicitly about the relationship between these Specific Needs Codes and the vulnerability assessment for basic assistance at UNHCR Khartoum, respondents disagreed about whether or not the Specific Needs Codes constituted the foundation for the design of the vulnerability assessment.<sup>3</sup> Respondents did not mention any external vulnerability assessments by other agencies as having played any role other than the already mentioned WFP approach in the camp context.<sup>4</sup>

Third, all respondents involved in the design of the vulnerability assessment also emphasise the role of more general previous organisational and/or sector experience.<sup>5</sup> One respondent remarks: *"From the counselling notes and from the counselling experience added to the specific needs, we managed to find out how to have these criteria in place for us"*.<sup>6</sup> Another respondent indicates that UNHCR's experiences in the Syrian context also played a role.<sup>7</sup> In addition, one respondent suggests that the criteria are based on the experiences with *"extremely vulnerable individuals"* in the camp context and then evolved over time.<sup>8</sup> Moreover, two respondents emphasise the role of resettlement for including, in particular, women and children into the vulnerability criteria: *"Also resettlement played a role and there women at risk and children are better off resettled"*.<sup>9</sup> The respondents' personal staff experience seems to underlie these responses but was not discussed in any more depth by the respondents.

### 7.3.6. THE ROLE OF THE ORGANISATIONAL STRUCTURE AND CULTURE

My data collection in relation to the role of the organisational structure and culture for the design of the vulnerability assessment remains too limited to draw any

<sup>1</sup> Transcript, UNHCR Respondent 11; Field Note 1, 01–03–18.

<sup>2</sup> The Specific Needs Codes include the following categories which also appear in the vulnerability assessment: "Separated child", "Unaccompanied child", "Child-Headed-Household", "Woman at risk", "Older person at risk", "Single parent or caregiver", "Disability" and "Serious medical condition" Field Note 3, 11–12–17. There is no complete overlap between these categories and the vulnerability assessment for basic assistance. Two significant distinctions are, for instance, that the Specific Needs Codes include the categories "Child at risk" and "Family unity" – both of which also contain several subcategories and none of which are included in UNHCR Khartoum's vulnerability assessment for basic assistance.

<sup>3</sup> Transcript, UNHCR Respondent 11. Transcript, UNHCR Respondent 7.

<sup>4</sup> Interview Notes, UNHCR Respondent 12. Also mentioned in Transcript, UNHCR Respondent 7. See also Section 7.3.3.

<sup>5</sup> Transcript, UNHCR Respondent 7. Transcript, UNHCR Respondent 11. Interview Notes, UNHCR Respondent 12. Interview Notes, UNHCR Respondent 13.

<sup>6</sup> Transcript, UNHCR Respondent 11.

<sup>7</sup> Transcript, UNHCR Respondent 7.

<sup>8</sup> Interview Notes, UNHCR Respondent 12. Also mentioned in Transcript, UNHCR Respondent 7. See also Section 7.3.3.

<sup>9</sup> Interview Notes, UNHCR Respondent 13. Also mentioned in Interview Notes, UNHCR Respondent 12.

substantial conclusions in this respect. This is due to the fact that my participant observation focused on the implementation of the vulnerability assessment and since all but one respondent involved in the policy design did not explicitly comment on the organisational structure and culture.<sup>10</sup>

## 7.4. CONCLUDING REMARKS

This chapter presented the case study's findings regarding the design of the vulnerability assessment for basic assistance at UNHCR Khartoum. The chapter first described the design of the vulnerability assessment itself before focusing on the administrative dilemmas and contextual constraints that appear relevant to this design. Although the number of respondents is limited and the depth of their replies varies, the findings indicate several tendencies in the administrative dilemmas and contextual constraints that are relevant for answering this study's main research question.<sup>11</sup>

First, respondents involved in the design of the vulnerability assessment who mention procedural dilemmas lean towards preferring a vulnerability assessment that is rigid (rather than flexible) and feasible (rather than comprehensive). Although it is not entirely clear whether respondents prefer risking under- or over-inclusiveness in the assessment, it is important to note that two respondents are particularly concerned about the risk of fraud among beneficiaries and the creation of a 'pull effect'. Second, respondents who comment on substantive dilemmas are somewhat divided in their perspectives but generally view the vulnerability assessment as primarily aimed at short-term relief, lean towards preferring support measures but are nevertheless more concerned about sufficient control mechanisms and view vulnerability as related to both material needs and protection risks. Third, the findings indicate that a diverse range of (perceived) contextual constraints were taken into account in, or influenced, the vulnerability assessment design. Financial and resource constraints, the international community, previous experiences and the operational environment in Sudan appear particularly relevant in this respect.

While this chapter focused on the design of the vulnerability assessment, the next chapter outlines the case study's findings with regard to the vulnerability assessment implementation and the policy implementers' perception of the administrative dilemmas and contextual constraints in this respect.

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<sup>10</sup> The comments by this one respondent are integrated in Section 8.3.6 since this respondent was also a policy implementer.

<sup>11</sup> On limitations compare also Section 4.5. On the number of respondents see, specifically, 'A Note on the Number of Respondents' in Section 4.3.5.

## CHAPTER 8

# THE IMPLEMENTATION OF THE VULNERABILITY ASSESSMENT FOR BASIC ASSISTANCE AT UNHCR KHARTOUM

This chapter presents this case study's findings regarding the implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum. The chapter follows the same structure as the previous chapter: it first elaborates upon the implementation of the vulnerability assessment itself (8.1), then presents the administrative dilemmas which appear relevant to the implementation of the vulnerability-focused basic assistance policy at UNHCR Khartoum (8.2) and subsequently outlines the contextual constraints which respondents perceive as relevant for the basic assistance provision (8.3). The chapter ends with a short summary in the form of concluding remarks (8.4). All sections (except Section 8.4) distinguish between two different types of policy implementers: case workers and members of the internal review committee (IRC).

The findings presented in each section largely rely on interviews with five case workers and four IRC members.<sup>12</sup> This includes all but one case worker and all IRC members working with the vulnerability assessment for basic assistance at UNHCR Khartoum at the time of research.<sup>13</sup> If I found that the interview transcripts/notes contained gaps on relevant information that I had come across during participant observation, I sought to nevertheless provide this information through field note references. In addition, I integrated field note references if a respondent's argument had also been observed or mentioned informally during participant observation. While most sections are primarily based on interview data, the section on the implementation of the vulnerability assessment itself (8.1) combines information from interviews, participant observation and an analysis of IRC meeting minutes to allow for a contextualisation of case workers' and IRC members' perceptions and experiences in numerical terms. I attempted to present as much raw data as possible without making the text unreadable. Where quotes were relevant to several themes/concepts I merely used the quote once (usually where I found the quote to be most relevant) and subsequently referred to it

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<sup>12</sup> In addition, wherever relevant, the perspective of the senior case worker is included. This is only in a very limited amount of instances since the field work revealed that the senior case worker was not actively involved in the vulnerability assessment but merely channelled the assessments from case workers to IRC members without any active input.

<sup>13</sup> One case worker refused to be interviewed, see Sections 4.2 and 4.5.2.2.

in a footnote in other sections where the quote could have equally served to illustrate a certain point.

Although the personal characteristics of the respondents are not the focus of the present study, a few aspects are important to keep in mind.<sup>14</sup> Three of the ten respondents were male and seven respondents were female (all IRC members were female). All but one case worker were national staff and all IRC members were international staff. The most relevant of these characteristics for interpreting the responses and their relevance to the implementation of the vulnerability assessment was the fact that there appeared to be different interactive dynamics between case workers and potential beneficiaries depending on whether the case worker was male or female.<sup>15</sup> Due to the set-up of the participant observation, I interacted more closely with case workers than IRC members which led to a level of familiarity that made them very open in their replies (while all but one IRC members were more hesitant in this respect). In addition, it was easier for me to interact with international staff (due to their better command of English, lesser concerns about the Sudanese authorities and a shared background with myself) but I did not notice any difference with regard to whether respondents were male or female. I was able to interview all respondents on most of the relevant questions so the below sections reflect most voices to a somewhat similar degree (except for the voices of one case worker and one IRC member who were reluctant to engage in the research and share their insights).<sup>16</sup>

## 8.1. THE IMPLEMENTATION OF THE VULNERABILITY ASSESSMENT

This section focuses on the implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum. It outlines the implementation of the selection process and the IRC decisions taken in 2017 (8.1.1), the policy implementers' interpretations of and experiences with the vulnerability criteria (8.1.2) and the policy implementers' application of additional conditions for eligibility (8.1.3).

### 8.1.1. THE SELECTION PROCESS

The primary function of the vulnerability assessment for basic assistance at UNHCR Khartoum is the selection of eligible beneficiaries. The policy design envisages several steps in this selection process which I distinguished as access, assessment, review and decision.<sup>17</sup>

<sup>14</sup> See also Section 4.3.5.

<sup>15</sup> See Section 8.2.1.4.

<sup>16</sup> See also Section 4.5.

<sup>17</sup> Compare Section 7.1.1.



Participant observation on the implementation of the vulnerability assessment suggests that not all of these stages are equally important.<sup>18</sup> The review by the Head of Unit (which is envisaged in the policy design), for instance, appears to be almost irrelevant in the policy implementers' daily work. The reasons for this are twofold: first, the review appears to primarily constitute a formality without any in-depth evaluation of the content or accuracy of the vulnerability assessment submitted by the case worker.<sup>19</sup> One respondent remarks on this issue: „Well, I find it shocking, sorry, and I find it simply shocking that such a pre-stage never helps anything. Then I am asking myself: what is this pre-stage for?“<sup>20</sup> Second, in the policy implementers' daily work it is not the Head of Unit who conducts the review but an officer with the same functional title and status as some of the case workers – which further limits the authority and guidance capacity of this review step.<sup>21</sup> Instead, four selection stages that are slightly different from the stages envisaged in the design of the vulnerability-focused basic assistance policy appear relevant at the implementation level: 1) the access to UNHCR, 2) the referral to the case worker, 3) the assessment by the case worker and 4) the IRC decision-making.

#### 8.1.1.1. Stage 1: Access

It remains unclear how many and which potential beneficiaries know about UNHCR and are physically able to approach the UNHCR office in Khartoum. Several respondents mention access issues, UNHCR's limited outreach possibilities and the lack of information among beneficiaries about UNHCR's services.<sup>22</sup> This can mean that potential beneficiaries who might be considered the most vulnerable in UNHCR's vulnerability assessment might not be able to approach UNHCR in the first place. One case worker, for instance, observes (when asked about how UNHCR's provision of basic assistance in Khartoum could be improved):

“Awareness campaign or information campaign about what we are doing here [would be necessary] because [...] some of them who are eligible, like those elderly, they don't know where UNHCR is, they are Ethiopians who came a long time ago and they are living very desperately, very populated, so they need someone to reach them and to have some kind of information campaign”.<sup>23</sup>

During the research period, UNHCR increased their efforts to work with community volunteers in order to mitigate this issue.<sup>24</sup> Yet, at the time of research, the direct

<sup>18</sup> Transcript, UNHCR Respondent 6; Field Note, 15–11–17.

<sup>19</sup> Transcript, UNHCR Respondent 6.

<sup>20</sup> Transcript, UNHCR Respondent 7.

<sup>21</sup> Transcript, UNHCR Respondent 6.

<sup>22</sup> See Section 8.3.4.

<sup>23</sup> Transcript, UNHCR Respondent 1.

<sup>24</sup> Field Note 3, 11–12–17 and Field Note 2, 28–11–17.

relevance of these community volunteers for the basic assistance provision remained limited and the parameters on the basis of which community volunteers could identify vulnerability was still in development.<sup>25</sup> Moreover, outreach possibilities for UNHCR in general remained limited due to UNHCR's complex relationship with the Sudanese authorities.<sup>26</sup>

#### 8.1.1.2. *Stage 2: Referral to the Case Worker*

The second step in UNHCR Khartoum's vulnerability-focused basic assistance provision entails that potential beneficiaries have to engage with the UNHCR employees at the reception and tell them why they approached UNHCR.

The selectivity at this stage does not appear to be particularly strong<sup>27</sup>: in principle, all persons who explicitly ask for financial assistance are usually referred to a case worker for a vulnerability assessment.<sup>28</sup> Even if potential beneficiaries do not explicitly state their desire to receive financial assistance at the UNHCR reception, the case workers to whom they are referred often nevertheless conduct a vulnerability assessment if they think that financial assistance could mitigate the problem for which the potential beneficiary approached UNHCR.<sup>29</sup>

Participant observation suggests that this rather low threshold at the UNHCR reception is somewhat facilitated by the fact that, at the time of research, the case workers conducting the vulnerability assessments were largely working on the basis of beneficiary categories (Syrians, Yemeni, children, victims of trafficking) rather than issue areas.<sup>30</sup> This meant that persons falling within any of these beneficiary categories could approach the reception and simply state they wanted to see the case worker responsible for them without having to specify their assistance need in any more depth.

#### 8.1.1.3. *Stages 3 and 4: Case Worker Submissions and IRC Decisions in 2017*

Stages three and four are the stages of the selection process during which most of the vulnerability identification and selection of eligible beneficiaries takes place. This section therefore provides an overview of the case worker submissions and IRC decisions in 2017 so as to allow for a contextualisation of the case workers' and IRC members' perceptions and experiences in numerical terms. The sections thereafter (Sections 8.1.2 and 8.1.3) will then focus on the interpretive aspects of these selection stages.

<sup>25</sup> Field Note 3, 11–12–17 and Field Note 2, 28–11–17.

<sup>26</sup> Compare Chapters 5 and 6.

<sup>27</sup> Field Note 1, 11–12–17 and Field Note, 12–12–17.

<sup>28</sup> Field Note, 12–12–17.

<sup>29</sup> Transcript, UNHCR Respondent 3.

<sup>30</sup> Field Note 1, 11–12–17 and Field Note, 12–12–17.

Throughout the research period, IRC members appeared to largely comply with the IRC's Terms of Reference in reviewing case workers' recommendations, documenting reasons for deferrals or rejections, ensuring compliance with guidelines and criteria and, if needed, reporting non-compliance to senior staff. Yet, IRC members somewhat diverged from the Terms of Reference by seldom following up on any of the cases unless a case had been resubmitted to the IRC anyway.<sup>31</sup>

Throughout 2017, the case workers' submissions to the IRC varied between 3 cases (Meeting 24) and 62 cases (Meeting 2) per meeting with an average of 13 cases being dealt with during each meeting. Large numbers like in Meeting 2 were usually due to cases concerning children: these submissions have to include a Best Interest of the Child assessment which is conducted by an external partner organisation of UNHCR. Hence, these cases are usually submitted in bulks whenever the Best Interest of the Child assessments are returned to UNHCR.<sup>32</sup>

Table 7 below provides an overview of all cases that were submitted to the IRC in 2017 (381 cases) – including cases that were resubmitted after deferrals.<sup>33</sup> Of these individual submissions, 325 cases were approved, 53 cases were deferred and three cases were rejected. However, not all of these decisions were taken on different cases: if a case was deferred and subsequently resubmitted, a second (or, in one instance, third) decision might be taken on the same case. For this reason the table distinguishes between immediate decisions and decisions upon resubmission. This reveals that the IRC dealt with 361 individual cases of which 313 were approved, 47 deferred and 1 rejected. Of the 53 deferred cases, 19 cases were resubmitted a second time, one case was resubmitted a third time and 33 cases were not resubmitted at all. Of the resubmitted cases 12 were approved, six were deferred again and one was rejected. Of the cases that were deferred again, only one was resubmitted a third time which, in the end, led to a rejection.

**Table 7: 2017 IRC Eligibility Decisions for Basic Assistance at UNHCR Khartoum**

	Submitted	Approved	Deferred	Rejected
Amount of Individual Submissions	381	325	53	3
Of which Immediate Decisions	361	313	47	1
Of which Decisions upon Resubmission	19	12	6	1
Of which Decisions upon Repeated Resubmission	1	0	0	1
Not Resubmitted	33	n/a	n/a	n/a

<sup>31</sup> Transcript, UNHCR Respondent 7.

<sup>32</sup> Field Note 3, 11–12–17. Participant observation did not indicate that this impeded the decision-making on other cases in any way since cases concerning children are usually less controversial (since all unaccompanied or separated children are eligible for financial assistance) and IRC members therefore generally deal with them more quickly. Field Note 3, 11–02–18.

<sup>33</sup> The table was devised for this study on the basis of data from all 2017 IRC meeting minutes (29) for the period between the IRC's installation on 6 March 2017 until the end of the year.

At the time of research, it was left to the case workers to keep track of their own approved cases and the IRC meeting minutes did not include the reasons for why a case had been approved. It was therefore not feasible to retrace on a larger scale which vulnerability criteria had been underlying the IRC's decisions.<sup>34</sup> However, the reasons for deferrals and rejections could be extracted from the IRC meeting minutes and are outlined below. Two aspects in the above table are particularly remarkable in this respect: the high number of cases that were not resubmitted after an initial deferral (33) and the low number of rejections (3).

### Deferrals and Resubmissions

The IRC meeting minutes primarily mention the following reasons for deferrals: medical report missing (12 cases), more information needed (20 cases), different criteria applicable (9 cases). Other reasons for the deferral of a case were: that the Best Interest of the Child Assessment was missing or not filled in correctly (4 cases), inconsistencies (2 cases), the wrong case load (1 case) or the lack of a psychological report (2 cases). For three deferred cases the IRC meeting minutes did not include any explanation.<sup>35</sup>

The majority of these deferred cases were not resubmitted to the IRC. The policy implementers' interview replies indicate two possible explanations for this low number of resubmissions.

First, case workers might not have had enough time for any follow-up.<sup>36</sup> One case worker, for instance, remarks:

"I think the comments [from the IRC in cases which are deferred] need more time to look at it and to contact the PoC [person of concern] accordingly which need, I am not saying more people to work on it, but it is not a one person job like me. It needs someone else to deal with it".<sup>37</sup>

Second, at least two case workers sometimes simply submitted cases despite knowing that the chances for approval by the IRC are low.<sup>38</sup> One respondent, for instance, asserts (when asked about what the respondent does when being in doubt about a person's eligibility):

"[For doubtful cases] I just tick and then definitely it will come back to me again. But at least I clear myself from the case. I just choose one even though I am not convinced about it but at least the case can proceed and maybe get some assistance".<sup>39</sup>

<sup>34</sup> Transcript, UNHCR Respondent 7.

<sup>35</sup> UNHCR, *IRC Meeting Minutes*, on file with the author.

<sup>36</sup> Compare Section 8.3.6.1.

<sup>37</sup> Transcript, UNHCR Respondent 1. Also mentioned in Transcript, UNHCR Respondent 4 and Field Note 3, 11–12–17.

<sup>38</sup> Transcript, UNHCR Respondent 1. Also mentioned in Transcript, UNHCR Respondent 4.

<sup>39</sup> Transcript, UNHCR Respondent 1. Also mentioned in Transcript, UNHCR Respondent 4.

The deferral of a case did not seem to be communicated to the respective potential beneficiary unless the person approached UNHCR again and explicitly asked about the decision on their case. In these circumstances, case workers might sometimes ask the potential beneficiary for the additional information that had been requested by the IRC. Once the potential beneficiary provided this additional information, a case was usually resubmitted. This process suggests a third possible explanation for why deferred cases are not resubmitted: potential beneficiaries might sometimes not provide the required additional information and/or simply disappear.<sup>40</sup> Moreover, one IRC member voices a different suspicion: “*I am being a bit blunt now, was the case worker too lazy to gather information?*”<sup>41</sup>

If a case is not resubmitted, no final decision has been taken. Yet, in effect, the low number of resubmissions means that deferrals which are not resubmitted become *de facto* rejections. One respondent remarks in this respect:

“Well, it [the amount of cases that were not resubmitted] says the case worker is giving wrong information [to the potential beneficiary]. Or is not giving information at all. And this gives a bad image of our organisation. Because there are, after all, [this amount suggests that] almost every tenth person is given wrong information. That is a lot, that is way too many. This leads to misunderstandings, then you have to explain a lot again”.<sup>42</sup>

## Rejections

Two of the three rejected cases had only been rejected upon deferral and resubmission or even upon repeated deferral and resubmission. The IRC meeting minutes do not provide any reasons for the ultimate rejection of these two cases.<sup>43</sup> The third rejected case was rejected immediately (i.e. without deferral and resubmission) because the person had been officially sent to Khartoum for medical treatment but was actually living in the refugee camp in Eastern Sudan.<sup>44</sup>

The most apparent explanation for the low number of rejections is that the IRC prefers to defer cases first (instead of immediately rejecting them).<sup>45</sup> IRC members assert that they are looking for the best possible outcome and indeed prefer to defer rather than reject a case.<sup>46</sup> One IRC member, for instance, holds (when commenting on how to deal with doubtful cases):

“Especially when you are looking, you see that it is actually a difficult case but you can’t clearly put it anywhere, that you are then discussing and thinking about, yes, actually you would still like to help this person but she really doesn’t fit into the criteria, that you maybe

<sup>40</sup> Transcript, UNHCR Respondent 1.

<sup>41</sup> Transcript, UNHCR Respondent 7.

<sup>42</sup> Transcript, UNHCR Respondent 7.

<sup>43</sup> UNHCR, *IRC Meeting Minutes* (no. 06/17).

<sup>44</sup> UNHCR, *IRC Meeting Minutes* (no. 29/17).

<sup>45</sup> Compare previous section.

<sup>46</sup> Transcript, UNHCR Respondent 8. Also mentioned in Field Note 1, 20–02–18.

even make suggestions and say ‘hey, this person should maybe be submitted under this criterion’ but then still request the relevant information”.<sup>47</sup>

However, this does not fully explain the low number of rejected cases. Policy implementers’ replies during the semi-structured interviews suggest several additional explanations: First, there might simply be a large number of potential beneficiaries who fall within the scope of the vulnerability criteria.<sup>48</sup> Second, part of the selection might already take place at an earlier stage because not everyone knows about and is able to access UNHCR (see stages one and two above). Third, case workers might have internalised the vulnerability criteria well and therefore already reject potential beneficiaries who are clearly not eligible before they would ever reach the IRC.<sup>49</sup> Regarding this second possible additional explanation, however, one case worker remarks upon the question how many cases are already rejected at the case worker stage:

“Very, very few, like two per month not eligible. This also like big families, husband and wife and children they can work alternatively, I can see that they can work and by telling me they used to work in something that is always available so I can’t be convinced that this work is not available now. But it is very rare”.<sup>50</sup>

Participant observation suggests that some case workers more readily reject potential beneficiaries than others but, since recordings of these rejections were difficult to trace and I did not ask all respondents about this issue, more research would be required to establish this with more certainty.

All in all, the findings indicate that the low rejection rates are most likely the result of a combination of all of the above explanations. Yet, the low rejection rates do not necessarily mean that the vulnerability assessment is functioning well since 1) the IRC only reviews cases which have been suggested for financial assistance but nobody knows who is being rejected in stages 1 – 3 and 2) as pointed out above, the many deferred cases often become *de facto* rejections because the case workers seldom resubmit deferred cases to the IRC.<sup>51</sup>

In addition, questions about the assessment’s understanding of vulnerability remain: how do case workers and IRC members interpret the vulnerability criteria and what controversies emerge in this respect? What additional conditions are attached in order to be eligible for financial assistance? The next sections try to shed some light on these questions.

<sup>47</sup> Transcript, UNHCR Respondent 7.

<sup>48</sup> Compare Sections 8.1.2 and 8.3.4. Compare Chapter 5.

<sup>49</sup> Field Note 1, 07–12–17.

<sup>50</sup> Transcript, UNHCR Respondent 1.

<sup>51</sup> See Section 8.1.1.

## 8.1.2. THE INTERPRETATION OF THE VULNERABILITY CRITERIA

This section outlines case workers' and IRC members' perceptions regarding the most commonly identified vulnerability criteria, their choices with regard to the overlaps and controversies involved in the most controversial vulnerability criteria and their opinions about what additional vulnerability criteria should or should not be added to the assessment.

The meaning of vulnerability criteria such as 'Unaccompanied and separated children' and 'Elderly persons' appear rather clear-cut and respondents do not perceive them as controversial.<sup>52</sup> Yet, other vulnerability criteria are more controversial and frequently lead to discussions among case workers and IRC members. Two categories appear particularly ambiguous in their scope and content: 1) the criterion 'Woman at risk' (in general and in relation to the criteria 'Survivors of torture, violence or victims of trafficking', 'Survivors of SGBV' and 'Single parent or caregiver') and 2) the criterion 'Persons with serious health condition'.

### 8.1.2.1. Case Workers

#### Most Common Vulnerability Criteria

When asked about the most commonly applied vulnerability criteria, all case workers agree that they see more women than men and, in particular, a lot of single women or single mothers.<sup>53</sup> One respondent, for instance, holds:

"But most of them, always you find single parents for example. Most of them, or, let's say 20% of them will tell you they are a woman with children and they will tell you that 'our husband has abandoned us', I mean, 'we don't know his whereabouts'. And some of them are of course widows, some of them of course. But I think the percentage of those who say we don't know where our husband is are more than others".<sup>54</sup>

Another respondent asserts:

"Women. Women. We have a lot of women here. A lot of women. Many usually work. [...] The women, some of them they lost their husband. They lost their brother, older brother for supporting them. They come maybe on every counselling day. You see the same faces. They ask about the same issue. They are never fed up from this. They keep coming but the men usually they don't [because they feel embarrassed to ask for money]".<sup>55</sup>

<sup>52</sup> See, e.g., Respondent 8 in Section 8.1.2.2.

<sup>53</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and 5.

<sup>54</sup> Transcript, UNHCR Respondent 5.

<sup>55</sup> Transcript, UNHCR Respondent 4. Also mentioned in Transcripts, UNHCR Respondents 1, 2 and 3.

Yet, case workers diverge in their perceptions about which other vulnerability criteria they commonly identify. This is likely due to the fact that most case workers deal with specific groups of beneficiaries (Syrians, Yemeni, children, victims of trafficking).<sup>56</sup> The only case worker without a dedicated group of beneficiaries mentions women, children, medical cases and elderly persons as the most prominently identified vulnerability criteria.<sup>57</sup>

### Overlaps and Controversies

Four of the five interviewed case workers find that some of the vulnerability criteria overlap, especially the categories ‘Woman at risk’, ‘Single parent or caregiver’, ‘Survivors of SGBV’ and ‘Victims of trafficking’.<sup>58</sup> One respondent, for instance, asserts:

“Most criteria overlap, well, you can have, for instance a woman at risk who is simultaneously a single parent and a survivor of torture and violence and simultaneously also has a problem with her leg. So they overlap completely”.<sup>59</sup>

When asked about how to decide upon the most appropriate category, the respondent explains:

“Well, the one that is most relevant. But sometimes also the one which provides the longest assistance. So when someone is supported longer in one category, then I would obviously fight the most for this, so that someone is selected for this”.<sup>60</sup>

Another respondent asserts (when asked about potential overlaps in the criteria): “Yes, *it can overlap but according to CBI [the Draft Standard Operating Procedures for the vulnerability-focused basic assistance policy] they ask us to choose the most strong one for the case. So for me I prefer to use the single parent rather than woman at risk*”.<sup>61</sup> When asked about why the case worker has this preference, the respondent elaborates:

”Because a family having children, female headed household having children or male so I prefer this one, rather than woman at risk because at risk means facing some protection aspects while living here. Which I cannot find out through this window by telling. But single parent is clear for me [...] Sometimes I use woman at risk because the woman is really, she

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<sup>56</sup> See also Section 8.1.1.

<sup>57</sup> Transcript, UNHCR Respondent 1.

<sup>58</sup> Transcripts, UNHCR Respondents 1, 2, 3 and 4.

<sup>59</sup> Transcript, UNHCR Respondent 2. Also mentioned in Transcripts, UNHCR Respondents 3 and 4.

<sup>60</sup> Transcript, UNHCR Respondent 2. Also mentioned in Transcripts, UNHCR Respondents 3 and 4.

<sup>61</sup> Transcript, UNHCR Respondent 1.



has been in jail for some days because of not paying the fine, she's working on the street, selling tea, I can see the situation".<sup>62</sup>

Another case worker remarks (when asked about how to interpret the different vulnerability criteria):

"Woman at risk, a lot of them are. It is very broad and definitely they will fit in it. Because she's a single mother, she doesn't have the papers, she doesn't have a male figure, she's not working, all of these add to her vulnerability. [...] If they are single I put woman at risk. If they are single parents I put single parent so I can add the number of children".<sup>63</sup>

None of the case workers appears to take any issue with the scope or content of the vulnerability criterion 'Persons with serious health condition' or with the meaning/definition of any other vulnerability criteria.<sup>64</sup>

### Gaps and Desired Additional Vulnerability Criteria

When case workers were asked about any additional vulnerability criteria that should be included in the assessment, the respondents emphasise different elements.

Two respondents find it most important to include all the criteria from UNHCR's so-called Specific Needs Codes (SNC) which are not yet integrated into the vulnerability assessment.<sup>65</sup> During participant observation, one respondent asserts that, in particular, the SNC-categories 'Child at risk of not attending school' and 'Child engaged in other forms of child labour' should be added.<sup>66</sup>

In addition, three respondents argue that 'New arrivals' (i.e. persons who just arrived in Khartoum) should form an additional vulnerability criterion.<sup>67</sup> One respondent elaborates in this respect:

"If they are new arrivals, mainly they're dependent. On the community. They still don't know the language, they still don't know their way through, so it would be, like, in our case, be helpful to provide assistance until they cope. And this is one of the, I think, not having a section for new arrivals, vulnerable new arrivals, so there should be a section for in the CBI".<sup>68</sup>

<sup>62</sup> Transcript, UNHCR Respondent 1.

<sup>63</sup> Transcript, UNHCR Respondent 3.

<sup>64</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and 5. However, several case workers take issue with the medical report requirement that is linked to the 'Persons with serious health condition' category, see Section 8.2.2.2.

<sup>65</sup> Transcript, UNHCR Respondent 1. Also mentioned in Transcript, UNHCR Respondent 5 and Field Note 1, 20–12–17.

<sup>66</sup> Field Note 1, 20–12–17.

<sup>67</sup> Transcripts, UNHCR Respondents 1, 3, 4 and 5. Also mentioned in Field Note 2, 20–12–17.

<sup>68</sup> Transcript, UNHCR Respondent 3.

Another respondent mentions that ‘Homelessness’ and ‘Families with more than six family members’ should be added as vulnerability criteria.<sup>69</sup> Regarding the desired addition of ‘Homelessness’ the respondent remarks:

“I think only the homeless is not there [not integrated in the assessment]. So if we put for example the homeless, because the homeless he is vulnerable, if you don’t have a house [...] and if he have children, it will be even more difficult for him”.<sup>70</sup>

Another case worker finds that ‘Legal and physical protection needs’ should also be added as a vulnerability criterion.<sup>71</sup> When asked about why this criterion should be added, the respondent elaborates:

“That’s a huge one because now we have cases that are, that do not qualify, they do qualify under the VoT [victims of trafficking] but it’s not long enough: it’s only two months and that’s not long enough so we wanted a new category with physical and legal protection needs that is more [i.e. a longer time] period. That’s it basically”.<sup>72</sup>

In addition, participant observation indicates that case workers encounter several other issues that could render potential beneficiaries vulnerable and which, case workers argue, should therefore be included in the vulnerability assessment: having been robbed<sup>73</sup>, not feeling safe<sup>74</sup>, children who just turned 18 who could still not immediately support themselves<sup>75</sup>, large families<sup>76</sup> and persons whose children were overcome by something (for instance, rape).<sup>77</sup> Moreover, although case workers do not explicitly mention issues such as a lack of registration/documentation and the risk of detention as additional vulnerability criteria that should be added, their general responses suggest that they consider these issues to be central to a person’s vulnerability in Khartoum.<sup>78</sup>

#### 8.1.2.2. IRC Members

##### Most Common Vulnerability Criteria

When asked about the most common vulnerability criteria, IRC members slightly disagree. One respondent asserts: *“I would say the most common vulnerabilities we*

<sup>69</sup> Transcript, UNHCR Respondent 4. Also mentioned in Field Note 2, 20–12–17.

<sup>70</sup> Transcript, UNHCR Respondent 4. Also mentioned in Transcripts, UNHCR Respondents 1, 3 and 5.

<sup>71</sup> Field Note, 07–01–18.

<sup>72</sup> Transcript, UNHCR Respondent 3. Also mentioned in Field Note 3, 11–12–17.

<sup>73</sup> Field Note 1, 19–11–17.

<sup>74</sup> Field Note 2, 20–11–17.

<sup>75</sup> Field Note 1, 19–11–17.

<sup>76</sup> Field Note 2, 10–12–17.

<sup>77</sup> Field Note 1, 28–11–17.

<sup>78</sup> See Section 8.3.4.

*see are single parents first (mainly females), then women at risk, then unaccompanied children. And medical cases*”.<sup>79</sup> Another respondent holds along similar lines: “*I don’t think we encounter them [the vulnerability criteria] all. I have only seen medical needs, unaccompanied children, women at risk and VoTs [victims of trafficking]*”.<sup>80</sup> A third respondent considers medical cases and ‘Woman at risk’ to be the most common categories.<sup>81</sup> The fourth IRC member states:

“Relatively many, well, I have to name three, well no, I say, the first is single parent, the second, no, sorry, four [in total], SGBV, woman at risk and chronic disease. These, I have the feeling that these are the ones which we encounter most frequently. Still added to that is then ‘elderly’, yes”.<sup>82</sup>

IRC members generally agree that the criteria ‘Woman at risk’ and ‘Persons with serious health condition’ are particularly relevant.<sup>83</sup> Participant observation suggests that this is indeed the case and that the criteria ‘Single parent or caregiver’ and ‘Unaccompanied and separated children’ are also dealt with frequently during IRC meetings.<sup>84</sup> The vulnerability criteria ‘Victims of trafficking’, ‘Survivors of SGBV’ and ‘Elderly persons’ are also relevant but are encountered less prominently during IRC meetings.<sup>85</sup>

### Overlaps and Controversies

When asked about potential overlaps and controversies, two IRC members assert that the categories ‘Woman at risk’, ‘Survivors of SGBV’ and ‘Persons with serious health condition’ are most controversial.<sup>86</sup> One of these respondents, for instance, asserts (when asked which criteria cause the most controversies during IRC meetings):

“Medical again and maybe the woman at risk. But for the other ones it’s more straightforward. If the person is above 60 or 65 it’s automatically granted. For unaccompanied or separated children it’s also automatically granted based on, you know, things you cannot change about yourself. But the medical condition is up for interpretation, the woman at risk is up for interpretation”.<sup>87</sup>

<sup>79</sup> Interview Notes, UNHCR Respondent 10.

<sup>80</sup> Transcript, UNHCR Respondent 9.

<sup>81</sup> Transcript, UNHCR Respondent 8.

<sup>82</sup> Transcript, UNHCR Respondent 7.

<sup>83</sup> Transcripts, UNHCR Respondents 7, 8 and 9 and Interview Notes, UNHCR Respondent 10.

<sup>84</sup> See, e.g., Field Note 1, 10–12–17; Field Note, 28–01–18; Field Note 1, 20–02–18; Field Note 1, 04–03–18; Field Note 25–03–18.

<sup>85</sup> See, e.g., Field Note 1, 10–12–17; Field Note, 28–01–18; Field Note 1, 20–02–18; Field Note 1, 04–03–18; Field Note 25–03–18.

<sup>86</sup> Transcript, UNHCR Respondent 8. Transcript, UNHCR Respondent 7. Due to time constraints, other respondents could not be asked about this issue.

<sup>87</sup> Transcript, UNHCR Respondent 8.

The other of the two respondents remarks upon the question of potential overlaps:

“SGBV actually, that is connected with woman at risk, could actually almost be the same, well no, but there are many overlaps, well, partially also single parent or caregiver, well there are very many overlaps between these three”.<sup>88</sup>

With regard to potential overlaps one respondent, for instance, explains:

“Overlaps, it’s additional work, [...]. Maybe the assistance for victims of trafficking is three months, for lactating mother it’s six months so often they find themselves in the same categories and then it’s up for the case worker to find the best fit, which doesn’t always mean the person of concern gets the best out of the boxes that are being ticked. But that’s also the role of the IRC to say ‘you know, this is a vulnerable case so while she’s also a victim of trafficking with psychosocial assistance, why don’t we just put it under lactating mother and provide six months’”.<sup>89</sup>

Another respondent holds (when elaborating upon major points of discussion in the IRC):

“Often, what happens is that they [case workers] say this is a new arrival but I can’t call it a new arrival so I call it a woman at risk. And then in the narrative it just says this is a woman she arrived in January 2018 she has three children so she is at risk. So it refers back to what I just said: for me the narrative has to make sense. If you get a narrative like that I can’t sign. I need to know what is the story why is the woman at risk, where is the husband, what is the living condition, what is the education level. But, I mean, it’s discussed a lot as well. I think there are different understandings of what at risk means”.<sup>90</sup>

When discussing the ‘Woman at risk’ criterion, another IRC member asserts:

“Well, according to the definition I would also be a woman at risk. Or maybe I simply don’t understand the context here enough but I simply don’t understand why one would, only because one is a woman, be simply exposed to more risk. Well, on the one hand I do understand it, but I also have certain capacities which are not taken into account at all”.<sup>91</sup>

Another respondent asserts with regard to the same issue:

“[J]ust because a woman is single doesn’t mean she is at risk. But we are [...] in Sudan. So yes, a single woman in Sudan is, can be, more vulnerable than a married one because we are in Sudan. Then of course that alone is not enough, you have to see many other things, but a single woman with four children and with no family support ever, in Sudan, I think that is a no-brainer. I mean we all agree that she is somehow more vulnerable than other [persons]”.<sup>92</sup>

<sup>88</sup> Transcript, UNHCR Respondent 7.

<sup>89</sup> Transcript, UNHCR Respondent 8. Also mentioned in Field Note 1, 20–02–18.

<sup>90</sup> Transcript, UNHCR Respondent 8. Also mentioned in Field Note 1, 10–12–17.

<sup>91</sup> Transcript, UNHCR Respondent 7.

<sup>92</sup> Transcript, UNHCR Respondent 9.

The same respondent further explains:

“And I don’t know, there are, maybe in countries like Sudan and Egypt, a refugee woman is more vulnerable because being a woman she could only work in certain fields, maybe as a domestic helper and we know that domestic helpers are very often abused and sexually harassed or denied their salaries because as women they are perceived as being more, more fragile and less capable of enforcing or retaliating against the people who disadvantage them”.<sup>93</sup>

In addition to problematizing the ‘Woman at risk’ category, two IRC members are also sceptical about the vulnerability criterion ‘Survivors of SGBV’. One IRC member states in this respect (when answering the question of how the respondent determines whether someone fits a criterion or not):

“[T]here was this woman who had all the family with her, adult children, she went to private school but she is SGBV victim. That itself is not really, I don’t know, if put that way, should be a vulnerability criteria but then you should also have among the eligibility criteria the fact that she has to be alone and yes. But SGBV victims could also be someone who experienced violence years ago. So yes, maybe that could be, that could be, I don’t know, reassessed maybe”.<sup>94</sup>

Another respondent similarly mentions (when elaborating upon major points of discussion in the IRC):

“And the topic of SGBV I find quite sensitive, to be very honest, there would have to be, from my point of view, well, it would have to be evaluated by a psychologist, well, doing assessments, and a much more in-depth assessment. Because it is simply effectively a very sensitive, well from my point of view, a very sensitive topic”.<sup>95</sup>

Participant observation indicates that the vulnerability criterion ‘Persons with serious health condition’ also prominently leads to discussion during IRC meetings.<sup>96</sup> These discussions usually revolve around which medical conditions should be considered serious and what the requirements for a medical report should be. One respondent elaborates upon this discussion:

“Because everybody can have a medical condition and report. But to me it’s not always clear what type of medical condition would be hindering people from working. Sometimes there’s cases of asthma, or diabetes, well I know you can actually work. So then again the cash assistance is not really meeting their purpose and I think there’s a lot of ongoing discussion

<sup>93</sup> Transcript, UNHCR Respondent 9.

<sup>94</sup> Transcript, UNHCR Respondent 9.

<sup>95</sup> Transcript, UNHCR Respondent 7.

<sup>96</sup> See, e.g., Field Note 1, 10–12–17; Field Note, 28–01–18; Field Note 1, 20–02–18; Field Note 1, 04–03–18; Field Note 25–03–18.

on that. Because it's not clear to everyone and some people are convinced those people should get cash and other people like me saying 'no there should be some other sort of assistance to find an appropriate job for a person with such a medical condition'.<sup>97</sup>

Another respondent holds (when asked about how many of the cases reviewed by the IRC are actually vulnerable):

"I can't even tell you with the medical cases whether they are really vulnerable. Well, there are HIV people which are relatively healthy and who could work, or with Diabetes".<sup>98</sup>

However, the same respondent also admits (when asked about whether the IRC is equally strict for all criteria):

"Well, by now of course I am not that strict anymore, very honestly put, with the medical cases, well there I am looking above all at the date and of course whether the name is the same [...] And the rest is not that important for me".<sup>99</sup>

### Gaps and Desired Additional Vulnerability Criteria

IRC members do generally not consider it as particularly urgent to include additional vulnerability criteria in the assessment.<sup>100</sup> Instead, they argue against some of the propositions by case workers.<sup>101</sup>

Two IRC members are particularly explicit in arguing for a more narrow approach.<sup>102</sup> When asked about any gaps in the assessment, one of these respondents, for instance, interprets this as a question about how to define the existing criteria more narrowly:

"Yeah, there's always gaps. Which means there is always room for improvement. There are gaps with regard to the things that I mentioned earlier, that there should be more thorough explanations of the concepts used, not just children, couples, medical condition, emergency. It's all very human to interpret those things in different ways which goes against the nature of the SOPs [Standard Operating Procedures] and the establishment of the IRC".<sup>103</sup>

<sup>97</sup> Transcript, UNHCR Respondent 8. Also mentioned in Field Note, 28-01-18, Field Note, 04-02-18 and Field Note, 11-02-18.

<sup>98</sup> Transcript, UNHCR Respondent 7.

<sup>99</sup> Transcript, UNHCR Respondent 7.

<sup>100</sup> Transcript, UNHCR Respondent 9. Also mentioned in Interview Notes, UNHCR Respondent 10, Transcript, UNHCR Respondent 7, Transcript, UNHCR Respondent 8 and Field Note 3, 11-02-18.

<sup>101</sup> Transcript, UNHCR Respondent 9. Also mentioned in Interview Notes, UNHCR Respondent 10, Transcript, UNHCR Respondent 7, Transcript, UNHCR Respondent 8 and Field Note 3, 11-02-18.

<sup>102</sup> Transcript, UNHCR Respondent 7. Also mentioned in Transcript, UNHCR Respondent 8.

<sup>103</sup> Transcript, UNHCR Respondent 8. Also mentioned in Transcript, UNHCR Respondent 7 (see Chapter 7).

Nevertheless, three IRC members acknowledge the need for the inclusion of the additional vulnerability criterion ‘Legal and physical protection needs’.<sup>104</sup> One respondent, for instance, asserts upon the same question about any gaps in the assessment:

“Ok, the CBI criteria [the vulnerability criteria] for me is quite comprehensive, even though it does not cover all the areas, like one of the issues I have already raised with [X] is the legal and physical protection needs, as a criteria which was omitted”.<sup>105</sup>

### 8.1.3. ADDITIONAL CONDITIONS FOR ELIGIBILITY

According to the vulnerability assessment design, the eligibility of potential beneficiaries for basic assistance at UNHCR Khartoum is not only determined on the basis of the above-discussed vulnerability criteria but also depends on several additional conditions that have to be met before an individual is considered eligible for assistance.<sup>106</sup>

Participant observation and the semi-structured interviews with policy implementers at UNHCR Khartoum indicate three particularly relevant additional conditions: 1) the ‘Compounding vulnerability factors’ as already envisaged in the design of the assessment<sup>107</sup>, 2) an inability to work (this requirement is not explicitly mentioned in the design of the vulnerability assessment) and 3) a potential beneficiary’s time spent in Sudan before requesting assistance and/or whether the potential beneficiary has already received assistance before (both requirements are not explicitly mentioned in the design of the vulnerability assessment).

#### 8.1.3.1. Case Workers

##### Compounding Vulnerability Factors

Case workers appear to not be aware of the vulnerability assessment design’s set-up in which ‘Compounding vulnerability factors’ function as an additional conditionality. Instead, case workers appear generally disappointed by the fact that the ‘Compounding vulnerability factors’ do not lead to *additional* assistance for the beneficiaries. When referring to these ‘Compounding vulnerability factors’, one respondent, for instance, asserts:

“What is the use of them? What is the use of them? Tell me. What is the use of them? Why we put them there? If they are not effective in the money? [...] I told [a senior staff member] that

<sup>104</sup> Interview Notes, UNHCR Respondent 10; Transcript, UNHCR Respondent 7; Transcript, UNHCR Respondent 8.

<sup>105</sup> Interview Notes, UNHCR Respondent 10.

<sup>106</sup> Compare Section 7.1.3.

<sup>107</sup> Compare Section 7.1.3.

this four [criteria], you take it out. There is no need for that. If you are not convinced by why you are including this. Not affecting the person”.<sup>108</sup>

The same respondent further suggests that potential beneficiaries who meet several vulnerability criteria or ‘Compounding vulnerability factors’ should receive more assistance:

“So the criteria say for example a disabled, if she is a single woman, she should get for her situation as a single woman 800 [SDG] for example. For me, she should take for the disability another 800 [SDG]. This is by [...] common sense, [...] According to the criteria it is not like that”.<sup>109</sup>

Another respondent holds along similar lines (when asked about whether or not beneficiaries differ in the level or type of vulnerability):

“There is gradation. Because the elder is not the same as the fit one, there is differences between vulnerabilities. [...] It does not only depend on the age but age can be considered and having family support or not for elder and for females because they expose themselves to risk situations like being at someone’s house for long hours per day so yes, this can make them exposed to more vulnerability so they are more vulnerable to income and more vulnerable to abuse”.<sup>110</sup>

Another case worker equally asserts (when discussing whether refugee vulnerability is different from any other type of vulnerability):

“Especially in this Sudanese context it’s, it’s, it has added layers of vulnerability. Especially if you’re a refugee and you’re not documented, you’re female, you have children, you are single, it has like different elements and different levels. The level of vulnerability basically”.<sup>111</sup>

Participant observation indicates that case workers also commonly ask a potential beneficiary questions that are aimed at detecting the additional conditions (mentioned on the vulnerability assessment form) of a person having a very low income and no family/community support before considering a case as eligible for assistance.<sup>112</sup>

### Inability to Work

All case workers only consider someone as potentially eligible for financial assistance if the person is not able to work.<sup>113</sup> One respondent, for instance, states (when discussing

<sup>108</sup> Transcript, UNHCR Respondent 4.

<sup>109</sup> Transcript, UNHCR Respondent 4. Also mentioned in Field Note 3, 11–12–17. On the worth of the SDG amount at the time of research see Section 6.2.3.

<sup>110</sup> Transcript, UNHCR Respondent 1.

<sup>111</sup> Transcript, UNHCR Respondent 3.

<sup>112</sup> See, e.g., Field Note 2, 16–11–17; Field Note 1, 19–11–17; Field Note, 21–11–17; Field Note, 27–11–17; Field Note 5, 28–11–17; Field Note 2, 10–12–17; Field Note 1, 26–02–18.

<sup>113</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and 5.



non-eligible cases): *“If I find a man comes to me he is fit he don’t have any medical issue and he said we just need extra money because I don’t have work. This is not in the eligibility criteria”*.<sup>114</sup> Another respondent suggests along similar lines (when asked about whether or not anyone can be vulnerable):

“As I mentioned in the beginning, if there is someone who arrives in Sudan and finds work, they are not coming to us. So if, let’s say, she is a single parent, that typology is still there: she could be vulnerable. But she is able to find work and rent a house and look after her children and she is happy like that. So she will not be included into the programme of cash-based interventions”.<sup>115</sup>

### Other Conditions

In addition, at least one case worker determines eligibility on the basis of whether the potential beneficiary has been able to survive in the last few months: if this is the case and there have not been any recent changes in the person’s situation, the case worker would consider the potential beneficiary to not be eligible.<sup>116</sup> Yet, none of the case workers consider the fact that a potential beneficiary has already received assistance previously as an exclusion element for renewed assistance.<sup>117</sup>

One respondent mentions an additional issue that might render a potential beneficiary non-eligible: self-inflicted vulnerability. The respondent asserts (when discussing the desirable scope of the vulnerability criteria):

“They put themselves in a situation that you think they are vulnerable. This is their way of life. You find them, this is their way of life. They are living on begging, you can’t change this. [...] [Someone like that] should not receive financial assistance. [...] I will not say that I will never give her. So it is case by case. [...] there is the criteria yes, but when you face the reality it is something different”.<sup>118</sup>

#### 8.1.3.2. IRC Members

### Compounding Vulnerability Factors

Three IRC members are unaware of the intended purpose of the ‘Compounding vulnerability factors’ in the vulnerability assessment design.<sup>119</sup> Only one respondent knows about the conditionality that two ‘Compounding vulnerability factors’ have to be

<sup>114</sup> Transcript, UNHCR Respondent 4.

<sup>115</sup> Transcript, UNHCR Respondent 5. Also mentioned in Transcripts, UNHCR Respondents 1 and 3.

<sup>116</sup> Field Note 1, 04–02–18.

<sup>117</sup> Transcripts, UNHCR Respondents 3, 4 and 5. See also Field Note 5, 28–11–17; Field Note 3; 10–12–17.

<sup>118</sup> Transcript, UNHCR Respondent 4.

<sup>119</sup> Transcript, UNHCR Respondent 9. Transcript, UNHCR Respondent 8. Interview Notes, UNHCR Respondent 10.

met in order for a potential beneficiary to be eligible.<sup>120</sup> However, even this respondent acknowledges that the IRC is not really paying attention to this requirement:

“It [the purpose of the ‘Compounding vulnerability factors’] is written in the SOPs [Standard Operating Procedures]. Well, this is how it would actually be, yes. This is also why we have, I don’t really know anymore, right, I don’t pay close attention to it anymore. But in part it could also be very many things”.<sup>121</sup>

Yet, (when asked about how the assessment could be improved) one IRC member suggests, along similar lines as some case workers, that it would be desirable to calculate the amount of assistance on the basis of considerations that are similar to the ‘Compounding vulnerability factors’:

“One of the issues here, for example, like some cases, let’s say you have a single parent with children who also has a disability, for example. Then we were thinking the minimum expenditure basket that is given, because If you are a single parent with two children and a single parent with disability and two children you still get the same amount of money. So we’ve had this discussion and were wondering whether it’s really, whether the value of this money is the same. Because the person with disability would maybe get someone to care for them or the single mother with two children would be able to take care of the children herself but with a disability they need to get someone that helps with the children for example”.<sup>122</sup>

During the semi-structured interviews, none of the IRC members explicitly refers to a potential beneficiary’s lack of income as a relevant consideration for eligibility. Nevertheless, participant observation indicates that the lack of income is an additional condition which is usually considered in IRC meeting discussions.<sup>123</sup>

In addition, three IRC members consider the lack of family/community support to be of crucial relevance.<sup>124</sup> When discussing why this additional condition is important, one IRC member, for instance, asserts: “*Or maybe there is a new family member which all of a sudden can earn money*”.<sup>125</sup> Another IRC member considers this condition to be of particular relevance with regard to the vulnerability criteria ‘Woman at risk’ and ‘Single parent or caregiver’.<sup>126</sup>

### Inability to Work

Three IRC members attach particular importance to a person’s inability to work as an additional condition that should be met before a potential beneficiary who falls

<sup>120</sup> Transcript, UNHCR Respondent 7.

<sup>121</sup> Transcript, UNHCR Respondent 7.

<sup>122</sup> Interview Notes, UNHCR Respondent 10. Also mentioned in Transcript, UNHCR Respondent 7.

<sup>123</sup> Field Note 1, 10–12–17, Field Note, 28–01–18, Field Note 2, 04–02–18 and Field Note, 25–03–18.

<sup>124</sup> Interview Notes, UNHCR Respondent 10. Transcript, UNHCR Respondent 9. Transcript, UNHCR Respondent 7.

<sup>125</sup> Transcript, UNHCR Respondent 7.

<sup>126</sup> Transcript, UNHCR Respondent 9.

within any of the assessment's vulnerability criteria can be eligible for assistance.<sup>127</sup> However, not all IRC members agree on how strictly this element should be enforced.<sup>128</sup> Participant observation and semi-structured interviews with IRC members suggest that this additional condition is particularly relevant with regard to people who fall within the vulnerability criterion 'Persons with serious health condition'.<sup>129</sup>

The condition that a potential beneficiary must be unable to work in order to be eligible for assistance is somewhat contradictory in light of the fact that at least one IRC member simultaneously acknowledges that it is unlikely that refugees in Khartoum engage in wage-earning employment: "[S]eeing that this is an urban location [...] you don't expect people to have any other sources of income [i.e. other than UNHCR assistance] unless they engage in some form of casual labour".<sup>130</sup>

### Other Conditions

Participant observation suggests that IRC members also pay attention to whether a potential beneficiary received assistance before.<sup>131</sup> However, IRC members do usually not let this weigh heavily in their assessments and merely consider whether, in cases of repeated assistance, there are some additional recommendations that could be made to find a more durable solution.<sup>132</sup> One respondent explains in this respect (when asked about what the respondent pays attention to when reviewing cases):

"What I am certainly also looking at is whether they [potential beneficiaries] already received financial assistance, if it is a chronic case, there unfortunately you can't do so much, well HIV, but I already asked a few times now that, I think I told [an intern], she should have a look, well, also they could maybe do little works. She should have a look whether there are any special workshops or something in that direction. Because one also has to find a solution".<sup>133</sup>

The respondent also underlines the importance of taking into account whether and for how long a potential beneficiary has been able to survive without UNHCR assistance:

"How long the person is already here is really very, very important because a person that has maybe already been here for years now knows how to get by. Maybe this is a bit unfair, but if you were able to survive without UNHCR for 15 years and nothing has changed, then you can also survive without UNHCR in the future."<sup>134</sup>

<sup>127</sup> Transcripts, UNHCR Respondents 7 and 8 and Interview Notes, UNHCR Respondent 10.

<sup>128</sup> Transcript, UNHCR Respondent 7. Transcript, UNHCR Respondent 8. Interview Notes, UNHCR Respondent 10 See Section 8.1.3.

<sup>129</sup> See Sections 8.1.2 and 8.1.3.

<sup>130</sup> Interview Notes, UNHCR Respondent 10.

<sup>131</sup> Field Note 1, 10-12-17, Field Note, 28-01-18, Field Note 2, 04-02-18 and Field Note, 25-03-18.

<sup>132</sup> Field Note 1, 10-12-17, Field Note, 28-01-18, Field Note 2, 04-02-18 and Field Note, 25-03-18.

<sup>133</sup> Transcript, UNHCR Respondent 7.

<sup>134</sup> Transcript, UNHCR Respondent 7.

Participant observation indicates that two IRC members also discuss the issue of self-inflicted vulnerability with regard to a woman living in the streets in front of the UNHCR office. From a field note:

“Both IRC members agree that the woman is choosing to live in the streets and that the current financial assistance she receives increases her dependency. [...] One IRC member emphasises that the children did not choose to live in the streets and that there is a general protection concern for the woman which is why UNHCR should do something [...]. The other IRC member remarks: ‘The question is why the woman is living in the streets, maybe she is traumatised because her landlord raped her. But from a financial point of view she cannot say 1300 SDG [her current emergency financial assistance from UNHCR] is not enough’.”<sup>135</sup>

In addition, as mentioned above, IRC members attach additional conditions to the controversial vulnerability criteria ‘Woman at risk’ and ‘Persons with serious health condition’.<sup>136</sup> Moreover, during my participant observation of the IRC meetings I could witness a discussion in which IRC members discussed whether additional attention should be paid to whether a potential beneficiary has family abroad that can send money. IRC members suggest that, if this is the case, the person should not be eligible for financial assistance. From a field note:

“One IRC member remarks that if the father is in Sweden, he should be able to send money. The other IRC member responds: ‘Maybe this should be revised when we review the criteria’.”<sup>137</sup>

## 8.2. ADMINISTRATIVE DILEMMAS FOR THE VULNERABILITY ASSESSMENT IMPLEMENTATION

The administrative dilemmas identified in this study reflect the procedural and substantive design and implementation issues that the respondents commonly encounter in their work with a vulnerability assessment and have an opinion on.<sup>138</sup> This section focuses on the administrative dilemmas involved in the implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum. It remains challenging to disentangle all possible administrative dilemmas that might play a role in the implementation of the vulnerability assessment and, due to the broad exploratory nature of this study, the below overview might not be comprehensive. Instead, as Chapter 3 explains, the study relies on three procedural and three substantive dilemmas as most insightful for the study’s main research question.<sup>139</sup>

<sup>135</sup> Field Note 2, 04–02–18. On the worth of the SDG amount at the time of research see Section 6.2.3.

<sup>136</sup> See Sections 8.1.2 and 8.1.3.

<sup>137</sup> Field Note 2, 04–03–18.

<sup>138</sup> See Section 1.7 and compare Chapter 3.

<sup>139</sup> Compare Chapter 3.

The three procedural dilemmas relate to a preference for 1) rigidity or flexibility, 2) feasibility or comprehensiveness and 3) under- or over-inclusiveness. Additionally, the section on procedural dilemmas includes the interpersonal dynamics that appeared to play a role in the interaction between case workers and beneficiaries as important ‘other issues’ to consider with regard to the mitigation of stigmatisation and stereotyping. The three substantive dilemmas focus on the respondents’ preference for 1) short-term relief and/or structural change, 2) control and/or support and 3) material needs and/or protection risks. Additionally, the section on substantive dilemmas includes the respondents’ perspectives on dependency and self-reliance as important ‘other issues’ to consider with regard to the facilitation of socio-economic participation.

The respondents’ preferences regarding these dilemmas are not necessarily mutually exclusive but case workers’ and IRC members’ perceptions about the status quo and the ideal choice on each dilemma can provide insights on how to balance between the different possibilities.<sup>140</sup>

## 8.2.1. PROCEDURAL DILEMMAS

### 8.2.1.1. *Procedural Dilemma 1: Rigidity or Flexibility?*

#### Case Workers

Four of the five case worker respondents comment on the level of rigidity or flexibility that they consider appropriate for the assessment. Two of these respondents desire more rigidity or find the assessment to be sufficiently flexible while two other respondents think that the assessment is overly rigid.

When asked about how much guidance is needed and/or desirable, one respondent appears to favour more rigidity:

“[W]e need description of the category and subcategory [...] And [it is] maybe not clear to all case workers. Because we would tick some category for some cases while other colleagues consider this woman at risk or single parent and child at risk of not attending school with parents or without parents and how this can specify [affect] the person in terms of vulnerability. [...] [So] [m]ore guidance [is needed]“.<sup>141</sup>

Another case worker suggests that the vulnerability assessment is flexible:

“[A]ny type of information that you are given may lead to other questions so it is not like something rigid or something that you will only be asking those questions because some

<sup>140</sup> Compare Section 14.2.

<sup>141</sup> Transcript, UNHCR Respondent 1.

answers may lead to other questions which are not even in your mind when you ask the first question”.<sup>142</sup>

However, when discussing rigidity in the assessment, another case worker argues that the assessment should be more flexible.<sup>143</sup> When asked about how this flexibility should manifest itself, the respondent adds:

“Definitely the number of months. And the ‘other’, because we have an ‘other’ box in the form and when we tick the ‘other’ [this] does not have an equivalent month period so we suggest the number of months but then this is not allowed. So I don’t even know why the ‘other’ box is there”.<sup>144</sup>

Another case worker similarly remarks:

“More people come to complain about the criteria, about their situation, but they are facing blocked answers from us that these are the criteria and we can’t. This is the problem”.<sup>145</sup>

## IRC Members

All four IRC members comment on this dilemma. One IRC member views the vulnerability assessment to be sufficiently rigid while three IRC members would prefer more rigidity.<sup>146</sup> One of the respondents who think that the assessment should be as rigid as possible elaborates upon this view:

“It should be as standardised as possible. To make sure that people are getting what they are entitled to. You can’t have me sitting in the IRC today and being very open to saying ‘oh, but you know it’s true, to new arrivals, life is very tough’ so let’s just sign off and then tomorrow you’re the member and then you say ‘no, new arrival is not part of the criteria so I cannot sign off on that’ because then you get case workers saying ‘oh, you know what, next week [X] is the member again, so let me hold these forms back and present them to the IRC again next week when [X] is a member’”.<sup>147</sup>

The respondent further asserts that two categories are particularly controversial and should become more rigid: ‘Persons with serious health condition’ and ‘Woman at risk’.<sup>148</sup>

<sup>142</sup> Transcript, UNHCR Respondent 5. Also mentioned in Field Note 5, 28–11–17.

<sup>143</sup> Transcript, UNHCR Respondent 3.

<sup>144</sup> Transcript, UNHCR Respondent 3.

<sup>145</sup> Transcript, UNHCR Respondent 4.

<sup>146</sup> Transcript, UNHCR Respondent 9. See Section 8.3.6.2. Transcripts, UNHCR Respondents 7 and 8 and Interview Notes, UNHCR Respondent 10. See Section 8.2.1.3.

<sup>147</sup> Transcript, UNHCR Respondent 8. See also Interview Notes, UNHCR Respondent 10.

<sup>148</sup> Transcript, UNHCR Respondent 8. Also mentioned in Transcript, UNHCR Respondent 7. See Sections 7.2.1.2 and 8.1.2.

#### 8.2.1.2. *Procedural Dilemma 2: Feasibility or Comprehensiveness?*

##### Case Workers

Four of the five case workers comment on the dilemma between feasibility and comprehensiveness. All of these respondents think that providing more details in the vulnerability assessments makes deferrals by the IRC less likely.<sup>149</sup> When discussing the role of the IRC, one case worker, for instance, asserts:

“I am now just trying to add more details so they [the IRC] can at least distinguish [a beneficiary] from the other [beneficiaries]. Adding like the period, for how long, aside from rape, if they were beaten and with what. Just like small tiny details”.<sup>150</sup>

When asked about the user-friendliness of the assessment, another respondent similarly underlines:

“I think it is very important to write as much as possible about the situation. [...] because if you give them [the IRC] no information, how can those who decide upon the case know it then? And I think now more and more people are rejected, not completely rejected but deferred, because the case worker has to write more. But for me this has not yet happened”.<sup>151</sup>

Two case workers, however, hold that they cannot provide enough detail if the work load is high.<sup>152</sup> One of these respondents, for instance, asserts (when being asked about the interaction with the IRC):

“Because the criteria [of the vulnerability assessment] need some clarification at some point. And as I told you before, there is some cases that you have to face [in person to understand]. Or maybe we cannot reflect the proper image of the situation. Sometimes you need to be more detailed. If you have a lot of cases sometimes we just put one or two lines. So maybe they [IRC members] do not get the full picture as we [case workers] got it”.<sup>153</sup>

##### IRC Members

Three of the four IRC members comment on the dilemma between feasibility and comprehensiveness. All three respondents find vulnerability to be a complex issue and prefer a comprehensive assessment but simultaneously assert that, due to time and

<sup>149</sup> Transcripts, UNHCR Respondents 1, 2, 3 and 4.

<sup>150</sup> Transcript, UNHCR Respondent 3. See also Section 8.3.6.

<sup>151</sup> Transcript, UNHCR Respondent 2.

<sup>152</sup> Transcripts, UNHCR Respondents 1 and 4. See Section 8.3.6.

<sup>153</sup> Transcript, UNHCR Respondent 4.

resource constraints, this is not realistic.<sup>154</sup> When discussing the comprehensiveness of the assessment, one of these respondents, for instance, asserts:

“The more complicated, if the assessment would take, let’s say 10 minutes and then all of a sudden it will take 20 minutes, case workers will think twice whether to do the assessment or not”.<sup>155</sup>

In elaborating upon this issue, the same respondent also holds:

“[F]or me there is clearly not only one vulnerability or yes/no but many gradations and then also based on capacities [...] So I find the concept, or whatever you would like to call it, to only look at the vulnerability, actually a bad approach. But I think in part we also don’t have the capacity to look into both [vulnerabilities and capacities]”.<sup>156</sup>

Another respondent similarly remarks:

“[As a case worker] you have limited time and capacities to write down the whole narrative if then people come and ask more information. I understand that this is also annoying. I understand that sometimes when we call them [case workers] in or when you send forms back they think ‘why are they just creating extra work for this formality?’. At the same time, it’s needed”.<sup>157</sup>

When explicitly asked about how comprehensive the vulnerability assessment should be, the same respondent holds:

“Ideally you look at the individual, but resources are limited and I think there is no state in the world that has the money to look at each individual by having a full, comprehensive assessment of all the vulnerabilities or the histories. It’s done for certain people because of their needs but nowhere in the world would there ever be enough resources to have a comprehensive assessment just like you have a passport where we say this is your date of birth and this is your photo. You could not have a document for each person saying these are all of your vulnerabilities at this level. It would be better but, you know, there should be something to dream of”.<sup>158</sup>

Another respondent finds (when discussing the scope of the vulnerability criteria):

“For me it is ok if the template is a broad definition that encompasses different situations. But for me I don’t think that stops us from contextualising. This contextualisation takes place in the further conditions we attach”.<sup>159</sup>

<sup>154</sup> Transcripts, UNHCR Respondents 7, 8, 10.

<sup>155</sup> Transcript, UNHCR Respondent 7. See also Sections 7.2.1.2 and 8.3.2.

<sup>156</sup> Transcript, UNHCR Respondent 7.

<sup>157</sup> Transcript, UNHCR Respondent 8.

<sup>158</sup> Transcript, UNHCR Respondent 8.

<sup>159</sup> Interview Notes, UNHCR Respondent 10.



When being asked about the ideal way of assessing vulnerability, the same respondent suggests:

“Individual [identification] is better because it gives a better profile of the case. In groups some factors are not captured. However, individualised identification is also a lot more work”.<sup>160</sup>

#### 8.2.1.3. *Procedural Dilemma 3: Risking Under- or Over-inclusiveness?*

##### Case Workers

Case workers were asked about whether they prefer risking an under-inclusive or an over-inclusive assessment. Four of the five case workers comment on this issue. All four respondents prefer risking an under-inclusive assessment.<sup>161</sup> One of these respondent holds:

“I mean no financial assistance should be issued unless a home visit was conducted. [...] So you can minimise the amount of people who are getting financial assistance and you reallocate money to where it is needed”.<sup>162</sup>

When asked about the selectivity in the current assessment, another respondent asserts: “*I mean only if they qualify, then [they should receive assistance]. Of course. But everyone, no, that would promote laziness and dependency*”.<sup>163</sup> Another respondent similarly holds:

“There should be a selective assessment because not all of them [potential beneficiaries] are vulnerable. Some of them they can work and they are doing so and there is no need to support them financially but for some there is a need for it”.<sup>164</sup>

Two of these case workers are nevertheless concerned that the ‘none of them’-criterion is insufficient in mitigating under-inclusiveness. When asked about this criterion, one case worker, for instance, remarks:

“[O]ne day I checked it [ticked the box ‘none of them’] and submitted because I did not find any criteria suitable for the case but the case was deferred. For me to clear myself I wrote ‘none of them’. ‘None of them’ should also be considered because there is no criteria to fit them in”.<sup>165</sup>

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<sup>160</sup> Interview Notes, UNHCR Respondent 10.

<sup>161</sup> Transcripts, UNHCR Respondents 1, 2, 3 and 4. Compare also Section 8.2.1.4.

<sup>162</sup> Transcript, UNHCR Respondent 4.

<sup>163</sup> Transcript, UNHCR Respondent 3. Compare also Sections 8.2.2.2 and 8.2.2.4.

<sup>164</sup> Transcript, UNHCR Respondent 1.

<sup>165</sup> Transcript, UNHCR Respondent 1. Also mentioned in Field Note 1, 20–12–17.

Another respondent asserts along similar lines (when outlining ways in which the assessment should be more lenient):

“[W]hen we tick the ‘other’ [the ‘none of them’-criterion], because ‘other’ does not have an equivalent month period so we suggest the number of months but then this is not allowed. So I don’t even know why the ‘other’ box is there”.<sup>166</sup>

The three case workers that prefer risking under-inclusiveness also link their preference to experiences with fraud among beneficiaries.<sup>167</sup> When discussing whether fraud is a common problem with regard to potential beneficiaries, one of these case workers, for instance, finds:

“A little with Syrians. Because Syrians, sometimes they cheat. Not cheating, [...], they try to get more money. Ok? Let us be polite.[...] They say they are living with other people and we are suffering and we need more money but when I go to their house I find them in good conditions. [...] minimal conditions but good conditions”.<sup>168</sup>

The same respondent elaborates further:

“You never know. From my practice, you never know. [...] when they found a woman begging in the street, [...] she is small, maybe 16 or 17 but she has a passport with an age of 30 so the passport itself is not accurate. Let us say, not accurate, ok? This woman is living, paying 6000 [SDG] per month for a house. So she has money. Why is she begging?”<sup>169</sup>

Another respondent similarly holds:

“Of course some [beneficiaries] know the criteria. So they may tell fake stories, especially about SGBV. Often harassment is in place but some tell fake stories. You do your best [...] to detect whether it is true but when they manage to tell the story the same way all the time it is difficult to detect”.<sup>170</sup>

The third case worker remarks along similar lines:

“[T]hrough time, yeah, you learn how to cope and how to deal with them and how to know who is lying and who is telling the truth and who is, like all those tiny little details and everything, the way they talk, their tone, the way they are, like you know. You get to know and you know how to treat each person so if someone is lying I’d be like firm”.<sup>171</sup>

<sup>166</sup> Transcript, UNHCR Respondent 3. See also Section 8.2.1.2. Also mentioned in Field Note, 07–01–18.

<sup>167</sup> Transcripts, UNHCR Respondents 1, 3 and 4.

<sup>168</sup> Transcript, UNHCR Respondent 4.

<sup>169</sup> Transcript, UNHCR Respondent 4. On the worth of the SDG amount at the time of research see Section 6.2.3.

<sup>170</sup> Transcript, UNHCR Respondent 1.

<sup>171</sup> Transcript, UNHCR Respondent 3.

While the data collected for this study did not indicate any actual prevalence of fraud among (potential) beneficiaries of the basic assistance policy at UNHCR Khartoum, participant observation reveals at least one incident in which a case worker indeed detected that a beneficiary was telling a fake story.<sup>172</sup> From the field note about this incident:

“A boy around 15 years old and speaking Arabic approached the window and told the case worker a story about his experiences in the camp in the East. The case worker almost immediately detected that the boy was Sudanese and when the case worker asked the boy whether he had Sudanese citizenship the boy said yes. The case worker shooed him away and turned to me to voice indignation”.<sup>173</sup>

### IRC Members

IRC members were asked about whether they prefer risking under-inclusiveness or over-inclusiveness. While one IRC member prefers to risk over-inclusiveness, the other three respondents prefer risking under-inclusiveness.<sup>174</sup>

The IRC member who prefers to risk over-inclusiveness asserts: “[W]e exist to assist them. So it is not like we can back up from this responsibility. So I am always for giving as much as we can to as many people as possible”.<sup>175</sup> The same respondent holds (while emphasising that scrutiny remains important): “[I]f you give money to someone who doesn’t deserve it according to the criteria, too bad. It can’t hurt that much”.<sup>176</sup>

Two other IRC members comment on the importance of the ‘none of them’ criterion.<sup>177</sup> One of these respondents suggests:

“Standardisation [is preferable] but then give the option ‘other’ because leaving it open-ended is not good because it is not organised. Giving the option of ‘other’ allows for additional elements to be included and these can then be included formally as a new criterion during reviews of the criteria”.<sup>178</sup>

The same IRC members justify their preference for risking under-inclusiveness by pointing to the risk of fraud.<sup>179</sup> One respondent, for instance, holds:

“But with the eligibility criteria, sometimes they are too broad because for instance, single parents you can have someone in the background and they simply invent a story to get some money. That is why it is necessary to put some safeguards”.<sup>180</sup>

<sup>172</sup> Field Note, 21–11–17 and Field Note 2, 16–11–17.

<sup>173</sup> Field Note, 21–11–17.

<sup>174</sup> Transcript, UNHCR Respondent 7 (see Section 7.2.1). Also mentioned in Transcripts, UNHCR Respondents 8, 9 and 10 (see Sections 8.2.1.1 and 8.3.2).

<sup>175</sup> Transcript, UNHCR Respondent 9. See also Section 8.2.1.1.

<sup>176</sup> Transcript, UNHCR Respondent 9.

<sup>177</sup> Transcript, UNHCR Respondent 7 (see Section 7.2.1) and Interview Notes, UNHCR Respondent 10.

<sup>178</sup> Interview Notes, UNHCR Respondent 10.

<sup>179</sup> Interview Notes, UNHCR Respondent 10. Transcript, UNHCR Respondent 7.

<sup>180</sup> Interview Notes, UNHCR Respondent 10. Also mentioned in Transcript, UNHCR Respondent 7 (see Section 7.2.1).

#### 8.2.1.4. Other Issues: The Interaction Between Case Workers and Beneficiaries

Case workers were asked about and observed in their interaction with potential beneficiaries. This section presents the case study's findings in this respect and focuses, in particular, on the ways in which the interaction appears to be influenced by gender, race, nationality and/or culture, assertiveness, empathy, the questions being asked and language barriers.

##### Gender

When asked about challenges in the interaction with beneficiaries, all five case workers assert that their gender influences both their own assessment of a beneficiary and the willingness of potential beneficiaries to tell their story.<sup>181</sup> One respondent, for instance, holds: “[S]ome females prefer females in some, you know, in telling something that is special to them they like to speak to females but for males they speak to males and females”.<sup>182</sup> Another respondent similarly observes:

“I definitely think that they [potential beneficiaries] like female case workers more. Or at least that’s the vibe that I get. Because they feel the females are more patient and understanding and more, you know, empathetic. I am using that word a lot”.<sup>183</sup>

The same case worker also asserts:

“I have extra empathy for females, single mothers, pregnant women. Yes, extra, like I’m extra empathetic with them so yeah, if it comes to males, if they tell me ‘oh I cannot work, give me financial assistance’ I actually tell him ‘no, like, you’re a man’. I literally tell them that. ‘No, you’re a man, you can work, you have both of your arms and legs so go ahead and work. No, you don’t qualify, I’m sorry’. So yeah, I’m tougher on the men”.<sup>184</sup>

##### Race, Nationality and/or Culture

Three of the five case workers also explicitly mention aspects related to race, nationality and/or culture as playing a role in their interaction with potential beneficiaries. One case worker, for instance, suggests (when discussing how vulnerability can be identified and verified):

“Many people think because I am white, that I am probably in a senior position and because of that do not want to tell me that they were already in a refugee camp. Because, in Sudan, if you were already registered in Shagarab [refugee camp in Eastern Sudan], they actually have

<sup>181</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and 5.

<sup>182</sup> Transcript, UNHCR Respondent 1.

<sup>183</sup> Transcript, UNHCR Respondent 3.

<sup>184</sup> Transcript, UNHCR Respondent 3.

to go back there and since the people want to be resettled they fear to tell me that they want to travel on”.<sup>185</sup>

The respondent elaborates:

“I felt that they were not telling me the truth that they had not been trafficked and never were in a refugee camp and only want to travel legally and be resettled by UNHCR. And then [another case worker] started to ask for these things and got very different responses and then the people say they want to travel to Europe and only want to work in Khartoum for a little bit and there, in fact, you see a difference”.<sup>186</sup>

Furthermore, the respondent finds: “I think they want to tell [X] more about their problems than me, because they have a better connection to [X] and because [X] is more local than me”.<sup>187</sup>

Another respondent asserts (when discussing the truthfulness of potential beneficiaries): “*there is more need with other nationalities than with Syrians so it is better to allocate money where it is needed*”.<sup>188</sup> When elaborating upon the most distinguishing features among potential beneficiaries, another respondent asserts:

“But it still depends on the culture, the behaviour. [...] So this is the conclusion I came up with, this [person] is less vulnerable and this [person] is more vulnerable. I can see that from different nationalities that I have dealt with here”.<sup>189</sup>

### Assertiveness

Three of the five respondents mention the potential beneficiaries’ level of assertiveness or even aggression as relevant to the interaction.<sup>190</sup> When broadly asked about the interaction with beneficiaries, one of these respondents, for instance, holds:

“[S]ome groups in need of assistance they come in very bad behaviour [...]. But others they are very thankful and these, for me, are less vulnerable, even though there is differences in terms of, you know, varied culture and these things. [...] Those who are running into bad behaviour are more vulnerable. Why? Because they have convincing thing from inside and they need to tell it. Yes, these are the features in terms of distinguishing between different vulnerabilities”.<sup>191</sup>

<sup>185</sup> Transcript, UNHCR Respondent 2.

<sup>186</sup> Transcript, UNHCR Respondent 2.

<sup>187</sup> Transcript, UNHCR Respondent 2.

<sup>188</sup> Transcript, UNHCR Respondent 4.

<sup>189</sup> Transcript, UNHCR Respondent 1.

<sup>190</sup> Transcripts, UNHCR Respondents 1, 3, 5.

<sup>191</sup> Transcript, UNHCR Respondent 1. Also mentioned in Field Note 3, 13–02–18.

Upon the same question, another respondent asserts:

“Some of our beneficiaries they are of course very difficult. We can understand, because of the situation that they are facing, it is not something easy to be out of your country, to be a refugee, to be vulnerable, all those problems, leaving your country, coming to a new country, we do understand. Some of them are really very difficult. Some of them end up insulting you, some of them accusing you that you are not doing anything for them, some of them accusing you that you are just here stealing our money, doing nothing whatsoever”.<sup>192</sup>

Another case worker holds (when discussing the interaction with beneficiaries):

“So yeah, there was once or twice that a male, I think two males, I think they were too dependent on the office because they were receiving money so they became a bit aggressive I would say. They started nagging. So yeah, when they start nagging you have to be very firm”.<sup>193</sup>

### Empathy

One of the five case workers repeatedly emphasises the crucial role that empathy can play in the interaction with potential beneficiaries. In one instance, the respondent, for instance, asserts:

“Empathy. Empathy is a must have for a case worker. You have to have empathy. You have to have a high level of emotional intelligence to know when to do, when to, basically, stop, when to sympathise and if you feel like they’re becoming too attached or too dependent on the entity then you know how to bring their expectation down to the level where you’re like ‘no, you’re on your own’”.<sup>194</sup>

### The Questions Being Asked

Four of the five case workers also emphasise the importance of the questions they ask when seeking to identify a potential beneficiary’s vulnerability. One respondent, for instance, asserts:

“[I]f you see a person, sometimes it’s an indicator that he looks vulnerable. This is the first identification that we usually depend on. Sometimes we need to go deep. Sometimes asking about where he lives, asking how many meals he have per day, what is the work that he usually do because sometimes he don’t have skills or do any work and this is the factor for his vulnerability. How many children he have because any child under 16, I mean 18, is not eligible to work”.<sup>195</sup>

<sup>192</sup> Transcript, UNHCR Respondent 5. Also mentioned in Transcript, UNHCR Respondent 4.

<sup>193</sup> Transcript, UNHCR Respondent 3.

<sup>194</sup> Transcript, UNHCR Respondent 3.

<sup>195</sup> Transcript, UNHCR Respondent 4.

Another case worker holds (when elaborating upon how the respondent identifies a potential beneficiary's vulnerability):

"Whenever the family is kept or the husband fled to somewhere or not with the family and the woman is the only head of household this is vulnerability and also according to the type of work they are doing here, this might also put her at risk: is it some vulnerability. Then I ask for the weekly income of the family. This is always not sufficient to the basic needs. [...] I ask these questions literally: how much do they get per week, what type of work they do, for how many hours she is away from the children, with whom the children will be kept during her absence from the house and these things. How do they live. Because I know the context very well: all of them they live in very crowded houses, shared houses yes".<sup>196</sup>

Another case worker similarly underlines the importance of the questions that are being asked.<sup>197</sup> When subsequently asked about what questions the respondent commonly asks a potential beneficiary, the case worker elaborates:

"[M]ain questions like where they live, how they live, are they renting, are they hosted by their friend or a family member, do they have any family or community support for example, are they working or not, if they are working: how much do they earn, is it enough comparing to what they need, are they married or single, do they have children, if they are a woman and married: where is the husband, is he around, sometimes he's not there, sometimes he's around but cannot get work because of this or that. So he's around but not working. So these are the kind of questions we always ask to get a picture of the vulnerability".<sup>198</sup>

### Language Barriers

Case workers communicate with potential beneficiaries in either Arabic or English. If the potential beneficiary speaks neither of these languages, the case worker usually relies on an interpreter. Three of the five case workers comment on this issue. All three respondents hold that language barriers can impede the communication and lead to delays.<sup>199</sup>

One respondent, for instance, asserts: "*[O]ur interpreters, thank you very much for them, they are making our life a lot easier with the translation that they are making but language barrier is there*".<sup>200</sup>

Another respondent finds:

"[I]t's easier, it's easier [to conduct vulnerability assessments with someone who speaks Arabic]. But in terms of getting the information I think it's the same: they tell it either through an interpreter or directly".<sup>201</sup>

<sup>196</sup> Transcript, UNHCR Respondent 1.

<sup>197</sup> Transcript, UNHCR Respondent 5. See Section 8.2.1.1.

<sup>198</sup> Transcript, UNHCR Respondent 5. Also mentioned in Transcript, UNHCR Respondent 3.

<sup>199</sup> Transcripts, UNHCR Respondents 1, 3, 5. UNHCR.

<sup>200</sup> Transcript, UNHCR Respondent 5.

<sup>201</sup> Transcript, UNHCR Respondent 1.

The same case worker simultaneously asserts: “But the interaction itself: for me and for them [it] is better to not be including a third person”.<sup>202</sup>

Another case worker holds:

“I like it when they can talk in Arabic, I feel the sense of ease where I can verify the question by myself. Because sometimes it would be different and takes longer time for them to get the information, the proper information from them translated back to me. So. And sometimes even before they translate I would be like nonono, ask this, she did not properly answer. So yeah, I actually rather not have an interpreter”.<sup>203</sup>

Participant observation indicates that, due to staff shortages, case workers sometimes ask another beneficiary to interpret.<sup>204</sup> Additionally, participant observation reveals that, if UNHCR interpreters are used, they often go beyond literal translation and explain what they think the case worker means or needs to know.<sup>205</sup> When generally asked about the use of interpreters, one of the case workers also remarks:

“And the interpreters. Yeah, the interpreters know, they know what we’re going to tell, they already know the questions, sometimes the PoCs [persons of concern] they repeat themselves a lot, a lot. So instead of the interpreter repeatedly telling us what they’re saying, they’re like ‘she said this this this and this and they repeat’ and then with time, by now I have an ear for Tigrinya<sup>206</sup>, I understand what they’re saying and I understand if they repeat and sometimes you know”.<sup>207</sup>

## 8.2.2. SUBSTANTIVE DILEMMAS

### 8.2.2.1. *Substantive Dilemma 1: Short-term Relief and/or Structural Change?*

#### Case Workers

All five case workers prefer structural change above short-term relief and think that, whenever the budget and circumstances allow, UNHCR should strive to work towards the former for as much as possible.<sup>208</sup>

One of these case workers is not particularly explicit on this issue but (when asked about group-based vulnerability) nevertheless mentions that “[g]rouping them [beneficiaries] is important in dealing with the problem itself and finding the [structural]

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<sup>202</sup> Transcript, UNHCR Respondent 1.

<sup>203</sup> Transcript, UNHCR Respondent 3.

<sup>204</sup> Field Note 2, 11–02–18.

<sup>205</sup> Field Note 1, 26–02–18.

<sup>206</sup> Language spoken in Eritrea and northern Ethiopia.

<sup>207</sup> Transcript, UNHCR Respondent 3.

<sup>208</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and 5.



*challenge of the solution*".<sup>209</sup> When discussing the situation of Eritreans in Sudan, another respondent asserts:

"Well, I think with some things yes [UNHCR's hands are tied], but with other things they could do more, like, for instance, with the registration of Eritreans. Well, it does somehow feel as if this topic is slipped under the carpet, Eritreans in Khartoum and also generally urban refugees".<sup>210</sup>

Another respondent holds that UNHCR "*should put criteria on how they* [the Sudanese government] *deal with refugees*" and further asserts (when discussing UNHCR's role more generally)<sup>211</sup>:

"They [UNHCR] should stop this dilemma [of Sudanese being in need themselves and the Sudanese government not being able or willing to provide for refugees]. If you don't put effort to protect someone, how are you protecting them in the long-term? I'm talking about the long-term, how will you do it?"<sup>212</sup>

Yet, the same respondent also holds:

"I don't have to deal with this issue [structural change] as a case worker. So in my position we keep and leave that. The policy can change. We deal with the most needed. Vulnerable. We support. This is the mandate of UNHCR. To protect to the maximum that she can".<sup>213</sup>

When explicitly asked about whether the vulnerability-focused basic assistance policy should serve short-term relief or structural change, another case worker would prefer a "*combination of both*" but simultaneously remarks<sup>214</sup>:

"[T]hat's a lot to ask for but individual relief in the sense that you will give it to them for a short period. Like temporary relief. While we give them that, we can work on the other one. That would be the preferred solution. Reality is different. [...] If I had to choose, I would choose the later, the structure. Because that's more sustainable".<sup>215</sup>

When discussing UNHCR's role in general, another respondent holds:

"When you are assisting people in need of course the expectations are very very high. And they [potential beneficiaries] always see UNHCR as their mother. And I do agree with them, yes, UNHCR is the mother of refugees. So the expectation from us or from UNHCR as an organisation is very very big from our beneficiaries. [...] But I think always, or I am sure that always UNHCR at our level and at our senior level they are thinking of a better way of

<sup>209</sup> Transcript, UNHCR Respondent 1. See also Section 8.3.4.

<sup>210</sup> Transcript, UNHCR Respondent 2. Also mentioned in Field Note, 07–01–18.

<sup>211</sup> Transcript, UNHCR Respondent 4.

<sup>212</sup> Transcript, UNHCR Respondent 4.

<sup>213</sup> Transcript, UNHCR Respondent 4.

<sup>214</sup> Transcript, UNHCR Respondent 3.

<sup>215</sup> Transcript, UNHCR Respondent 3.

helping our beneficiaries. You know we have shifted from spoon-feeding to livelihoods. [...] And to add to what I am saying: giving cash assistance is not a solution. So as an organisation we need to put more effort to find real solution to our beneficiaries”.<sup>216</sup>

The same respondent also suggests:

“Sometimes we need the solution to come from them not in terms of money or so but the ideas. And to add to what I am saying: giving cash assistance is not a solution. So as an organisation we need to put more effort to find real solution to our beneficiaries. Giving cash for some time is not a solution because the cash will finish and they will come again for another cash assistance. So looking into local integration with livelihood of course, where refugees try to help themselves, this is I think, very important. And we also have resettlement so finding more quotas for resettlement can also put an end to our beneficiaries suffering. That will be much better”.<sup>217</sup>

### IRC Members

Three of the four IRC members comment on this issue and view UNHCR as an organisation that is primarily tasked with short-term relief while simultaneously asserting that the long-term impact of these efforts should not be neglected.<sup>218</sup>

When asked about how the vulnerability identified in the assessment could best be mitigated, one of these respondents, for instance, holds:

“I mean UNHCR can’t do much. So I think it is a mixture of all of this: financial assistance, medical treatment, it’s the government, it’s the UN family dealing with all the, you know, different agencies that are trying to help the development of a country, I don’t know, it’s a mixture of things”.<sup>219</sup>

In addition, the respondent suggests:

“[T]here should also be a strategizing for other, for long-term solutions. So yes, I don’t know, maybe for asylum seekers it would make sense because, I mean apart from the Eritreans, you could have many people who after a while decide to go back or apply for scholarships and they find a solution or livelihoods projects or many other things”.<sup>220</sup>

Another respondent holds (when being asked about whether short-term relief or structural change should be preferred):

“I don’t know, depends on the needs. If the needs of, you know, a big group are relatively low and you know the impact would be low as well as a result, at the same time you know

<sup>216</sup> Transcript, UNHCR Respondent 5.

<sup>217</sup> Transcript, UNHCR Respondent 5.

<sup>218</sup> Transcripts, UNHCR Respondents 7, 8 and 9.

<sup>219</sup> Transcript, UNHCR Respondent 9.

<sup>220</sup> Transcript, UNHCR Respondent 9.

there are some individuals who might require more assistance, but the impact would be a lot higher and also benefit the bigger group, you can't just say you go for the group or the individual, you need to have the details and that's where it becomes difficult because you don't have all the details available all the time. It's too often done on sampling, it's too often done on generalisations and stereotypes".<sup>221</sup>

When asked about what could be done by UNHCR to work towards structural change, the respondent asserts:

"Advocating with the government on legalising the status of these people. Once you're a recognised refugee it's easier to access services. Once you're a recognised refugee you can, you know, go to public schools, you can get a work permit, you can go to the hospitals to get the same services as Sudanese but as long as you're not recognised you're somehow undercover and living a life in, you know, fear and undocumented. Where do you send your children? Where do you go if you don't have proof that you're here legally, how are you gonna get medical aid?"<sup>222</sup>

Another IRC member similarly asserts (when asked about how vulnerability could be mitigated):

"Advocacy [...], simply fundamentally much more, well there would especially have to be a link to the social safety net [...] I personally think, but maybe I am extremely blunt, but I think if you know so obviously that the government is so corrupt, well then I would not collaborate with them. And simply say, ok, well I am sorry, go look for another, well there are enough NGOs, international NGOs, that is not, it is, to put it bluntly, like blasphemy: you represent some ideological cases, values better put, but living up to them yourself... Yes".<sup>223</sup>

#### 8.2.2.2. *Substantive Dilemma 2: Control and/or Support?*

At the time of research, the requirement to provide updated psychological and/or medical reports had been dropped for almost all vulnerability criteria since it was not considered feasible in light of the case load. The requirement only remained in place for 'Persons with a serious medical condition'. Nevertheless, other control mechanisms were in place and/or discussed by case workers and IRC members.

#### Case Workers

Four of the five case workers comment on some form of control mechanism. Three case workers comment on the role of medical reports. All three respondents view medical

<sup>221</sup> Transcript, UNHCR Respondent 8.

<sup>222</sup> Transcript, UNHCR Respondent 8.

<sup>223</sup> Transcript, UNHCR Respondent 7.

reports as problematic and/or as delaying their work.<sup>224</sup> One respondent, for instance, asserts (when asked about the respondent's current case load):

"Unfortunately most of the cases I have they are medical cases and to submit them I need to have the medical report attached. But I have like three to four cases that I have already submitted, they are not medical".<sup>225</sup>

Another respondent remarks (when discussing experiences regarding the interaction with IRC members):

"Usually we know that for HIV/AIDS cases we should not keep a document. The [...] case worker should see the report and don't have a copy of it and return it back to the beneficiary, to the PoC [person of concern]. At IRC they need a document to assist this man. [...] But according to all the rules and guidelines we use, you should not keep a copy because of stigma. [...] If you keep a copy he would be afraid that anybody could see this copy. [...] So not to hurt him, we just see and keep it at this. [...] the IRC refused. So this is the situation, sometimes the cases is deferred but you can't convince the IRC that this is the rules, they want the document. Just like that".<sup>226</sup>

Another case worker holds (when asked about the respondent's experience with deferred or rejected cases):

"But for some cases whenever a report brought by the disabled PoC [person of concern] they [the IRC] also defer this back to me that how this vulnerability can hinder this person from work which I can see a person using a stick for walking [...] they should have to trust the one who is here [i.e. the case worker], clearly speaking".<sup>227</sup>

The same respondent adds:

"They [the IRC] should look at the report as it is. Without any kind of guidance to the doctors. Once I bring the report, I think that's enough. It's a report saying this person is vulnerable, not vulnerable, disabled and they have to assist based on that".<sup>228</sup>

The requirement to rely on Best Interest of the Child assessments was not discussed during the semi-structured interviews. However, participant observation indicates that case workers are dissatisfied with this requirement for several reasons: due to the low quality of the assessment, because the care arrangement of the children is often unclear, because there is a backlog and because the partner organisation is taking too long.<sup>229</sup>

<sup>224</sup> Transcripts, UNHCR Respondents 1, 4, and 5.

<sup>225</sup> Transcript, UNHCR Respondent 5. Also mentioned in Transcript, UNHCR Respondent 1.

<sup>226</sup> Transcript, UNHCR Respondent 4. Also mentioned in Field Note, 28-01-18 and Field Note, 25-02-18.

<sup>227</sup> Transcript, UNHCR Respondent 1.

<sup>228</sup> Transcript, UNHCR Respondent 1.

<sup>229</sup> Field Note 2, 12-02-18. Also mentioned in Field Note 3, 11-02-18, Field Note, 07-01-18 and Field Note 3, 04-02-18.

Furthermore, two case workers consider home visits to constitute desirable additional control mechanism. One of these respondents holds:

“[I]f they say they are alone, they are. Horn of Africa people have habit of leaving family behind, even their elders. This is unlike the Arab ones: they come with the whole family. Never discovered there was family [during a home visit] if they said they are single”.<sup>230</sup>

The other respondent remarks:

“[I]f you go for a home visit and find 14 year old living in a cafeteria or in a carpenter shop. You don’t want do believe this. He is actually living there. So the home visit is the actual, the most suitable way to verify the vulnerable case of the person”.<sup>231</sup>

However, both respondents simultaneously assert during participant observation that there is currently not enough time to conduct home visits.<sup>232</sup>

Moreover, one respondent is critical of the control mechanism to merely provide assistance for a limited number of months:

“And now every two months we are revising [the vulnerability assessment] for them [victims of trafficking]. Two months repeatedly and their situation did not change. So every two months we’re wasting time, they’re wasting time, we’re doing the same thing”.<sup>233</sup>

Although all case workers mention the desire to support beneficiaries, none of the respondents proposes or engages in any specific measures in this respect.<sup>234</sup> Yet, remarkably, case workers sometimes provide money from their own pockets to beneficiaries they perceive as particularly in need.<sup>235</sup> Additionally, case workers should make recommendations for a more sustainable solution of the beneficiary’s situation. However, participant observation reveals that case workers seldom provide such recommendations. If recommendations are given, they remain vague and along general lines like ‘refer to the Resettlement unit’ or ‘refer to the Livelihoods unit’ (these units have their own assessments that might not find the beneficiary to be eligible which then, again, leaves the beneficiary without any support for a more sustainable solution). Additionally, these recommendations appear to be seldom followed up by case workers.

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<sup>230</sup> Transcript, UNHCR Respondent 1. See also Section 8.2.1.3.

<sup>231</sup> Transcript, UNHCR Respondent 4. See also Section 8.2.1.3.

<sup>232</sup> Field Note 1, 16–11–17.

<sup>233</sup> Transcript, UNHCR Respondent 3.

<sup>234</sup> Compare also Section 8.2.2.4.

<sup>235</sup> See Section 8.3.6.

## IRC Members

Three of the four IRC members comment on control measures.<sup>236</sup> All of these respondents appear concerned about current shortcomings in this respect. One of these respondents, for instance, asserts: *“And of course a huge, well, a much larger challenge is the verification. We have absolutely no means. Well, the only thing is the medical report”*.<sup>237</sup>

The role of, and requirements for, medical reports are a continuous issue of discussion among IRC members.<sup>238</sup> Three IRC members feel that further guidance is needed.<sup>239</sup> Particular confusion arises with regard to a) whether a medical report is also required if the medical condition is not the primary vulnerability criterion but merely a ‘Compounding vulnerability factor’, b) what should and should not count as medical report and c) which illnesses should be considered as serious.<sup>240</sup>

Participant observation reveals that IRC members usually don’t read the Best Interest of the Child assessments in-depth during IRC meetings but only pay attention to what they perceive as most relevant. From a field note: *“IRC members go very quickly through the children cases, only seem to pay attention to age and living situation”*.<sup>241</sup>

Two IRC members reflect upon the usefulness of home visits as a control mechanism. One IRC member, for instance, suggests (when discussing the biggest challenges of the assessment):

“But single woman, this from my point of view, maybe the first time say ok for assistance, the second time only with home visit. Well, something like that. Verify whether the vulnerability is really true”.<sup>242</sup>

When discussing to what extent the assessment can identify vulnerability, another IRC member asserts:

“But with the eligibility criteria, sometimes they are too broad because for instance, single parents you can have someone in the background and they simply invent a story to get some money. That is why it is necessary to put some safeguards. This is why we put in place home visits. But in Khartoum the problem is also that home visits cause problems also, it can complicate the lives of persons of concern for no good reason, right? So we also have to balance, you know, giving someone 800 after having conducted a home visit and causing so many problems with authorities. So we prefer to just conduct random home visits every once in a while to ensure the credibility of the person”.<sup>243</sup>

<sup>236</sup> Transcripts, UNHCR Respondents 7, 8 and Interview Notes, Respondent 10. See also Section 8.2.1.3.

<sup>237</sup> Transcript, UNHCR Respondent 7.

<sup>238</sup> Compare also Section 8.1.2.

<sup>239</sup> Transcript, UNHCR Respondent 8. Interview notes, UNHCR Respondent 10. Transcript, UNHCR Respondent 7. Compare also Section 8.1.2.

<sup>240</sup> Field Note, 28–01–18, Field Note, 04–02–18 and Field Note, 11–02–18.

<sup>241</sup> Field Note 3, 11–02–18.

<sup>242</sup> Transcript, UNHCR Respondent 7. See also Sections 8.2.1.3 and 8.2.2.2.

<sup>243</sup> Interview Notes, UNHCR Respondent 10.

A discussion observed during participant observation indicates an additional risk of home visits. From the respective field note:

“IRC member 1: ‘I don’t believe that all of them are unaccompanied. IRC member 2: ‘Yes, we should have home visits. IRC member 1: But the partner does this [when conducting the Best Interest of the Child Assessments]. You know, in the past some refugees were referring to UNHCR as police because of unannounced visits’.”<sup>244</sup>

As regards the control function of providing assistance for a limited number of months, one respondent notes that the IRC should accept a case under the vulnerability criterion which provides the longest period of assistance.<sup>245</sup> Two other respondents appear to follow the same reasoning in at least one instance that could be observed during the IRC meetings. From the respective field note:

“IRC member 1 asks IRC member 2 why ‘victim of trafficking’ is only for two months and notes that the case could also have been submitted through the husband which could then lead to six months of assistance. IRC member 2 agrees and suggests to now approve it for two months and then tell the case worker to submit it through the husband under ‘persons with a serious medical condition’ next time’.”<sup>246</sup>

The IRC members’ focus on support measures appears limited.<sup>247</sup> Throughout the research period, IRC members started to pay more attention to the recommendations case workers should provide for a more sustainable solution of the beneficiary’s situation. If the case worker had not provided a recommendation, IRC members sometimes provided recommendations themselves.<sup>248</sup> However, the recommendations remained along very general lines and there did not appear to be any follow-up on whether the case worker had acted upon this recommendation.<sup>249</sup>

#### 8.2.2.3. *Substantive Dilemma 3: Material Needs and/or Protection Risks?*

##### Case Workers

Four of the five case workers comment on the dilemma between material needs and/or protection risks.<sup>250</sup> When case workers are asked about how they would define vulnerability, one respondent views vulnerability as being linked to both risks and

<sup>244</sup> Transcript, UNHCR Respondent 7. Interview Notes, UNHCR Respondent 10. Field Note 1, 04–03–18.

<sup>245</sup> Transcript, UNHCR Respondent 8. See Section 8.1.2.

<sup>246</sup> Field Note 1, 20–02–18.

<sup>247</sup> See Section 8.2.2.4.

<sup>248</sup> Transcript, UNHCR Respondent 7. Field Note 1, 10–12–17, Field Note, 28–01–18, Field Note 2, 04–02–18 and Field Note, 25–03–18.

<sup>249</sup> Transcript, UNHCR Respondent 7. Field Note 1, 10–12–17, Field Note, 28–01–18, Field Note 2, 04–02–18 and Field Note, 25–03–18.

<sup>250</sup> Respondent 5 did not provide a useful reply to this but likely misunderstood the question because the respondent only discusses whether refugees should be called refugees or beneficiaries or persons of concern. Transcript, UNHCR Respondent 5.

needs while three respondents emphasise needs rather than risks. The respondent who considers vulnerability to be linked to both risks and needs asserts:

“Vulnerability for me is when the person has more than one element that leads to him being, what do you call this, I wouldn’t say the underdog but in a, I am looking for another word that is not vulnerable, what is another word for vulnerable? Someone who is a female, someone who is a single female, SGBV, children, like multiple elements of, what do you call this? Like we can say heightened risk, like they have an extra element for being at risk, for being weak. [...] Or someone who is less fortunate, [...] But all of them are disadvantaged, that’s the thing, all of them are less fortunate, so we cannot really say, someone who has, someone who is not protected, someone who needs protection, someone who is like, you know, who needs to be guarded, guidance or, yeah, extra care. Sort of, I guess”.<sup>251</sup>

When asked to clarify how vulnerability is or is not different compared to the terms ‘risk’ and ‘need’, the respondent underlines: *“Different from risks or needs? It’s not, it’s both, it’s like a big combo, everything. Yeah, like a huge combo”*.<sup>252</sup>

Another respondent holds:

“Vulnerability, I can define it as risk or hazard that met by personal concern leads to someone being unable to cope with or recover from it. There is long-term vulnerability and immediate vulnerability. Long-term what we are dealing with is lack of employment and it is somehow contextual and also somehow depending on education level of the PoCs [persons of concern] and the family composition of PoCs, also it varies from culture to culture or from nationality to nationality”.<sup>253</sup>

Another respondent remarks:

“It means a person who couldn’t have the minimum standard to live. This is the main thing. That he couldn’t complete the day as just to survive, [...] not fulfil all his needs, just to survive. From food, from getting a proper place to live, housing, medical conditions, because also UNHCR is giving medical to partner to implement some activities but unfortunately the impact is very weak. We have several complaints from refugees that medical is not going proper. We raised this issue before. So they pay for the medical, they pay for the education, if they think that education, like most of them education is not priority for them. Medical, living, food – these are the three most important things. Medical at the top, then housing, then food. Because of that, if they have money, sometimes you see that the majority of them only take one meal per day. So this is a vulnerable case”.<sup>254</sup>

<sup>251</sup> Transcript, UNHCR Respondent 3.

<sup>252</sup> Transcript, UNHCR Respondent 3.

<sup>253</sup> Transcript, UNHCR Respondent 1.

<sup>254</sup> Transcript, UNHCR Respondent 4.



Another respondent replies:

“If one is really in a situation in which one is really urgently in need of help because one fell, through one’s socio-economic position or gender, into a situation in which one needs support because due to these factors one is not able to support oneself and then one simply needs support. Or when one is traumatised or a victim of trafficking and not in the socio-economic or mental state to work at all or to take care of oneself”.<sup>255</sup>

#### IRC Members

All four IRC members comment on this issue (when asked about how to define vulnerability). Three IRC members relate vulnerability to both risks and needs but still view vulnerability as primarily needs-related. One respondent views vulnerability as primarily risk-related.

One of the IRC members who relate vulnerability to both risks and needs but nevertheless emphasise needs, for instance, remarks:

“So vulnerability can be something that affects a person to some extent, either high or low, depending on the condition a person finds himself in. And those conditions can be income, can be living condition, can be your background, anything. But that’s the technical term. So it could be related to your refugee status, it could be related to a handicap or to a health condition. It could be related to your educational background. It could be related to your gender, to your sexual orientation. [...] I think depending on where you find yourself, being a refugee could make you more vulnerable. More often than not that’s the case. [...] In instances where they find themselves in countries where they’re not automatically getting the protection they would need to get or that they would have the right to get. Or countries where the social structure does not automatically support people with basic needs”.<sup>256</sup>

The same respondent also asserts:

“I think rights should be needs-based. I know not all of them are but at least the major rights. Refugee law is focused also on the needs of refugees, international humanitarian law is focused on also the needs of countries in terms of humanitarian crises. So it should always be needs-based”.<sup>257</sup>

Another respondent holds:

“My definition of vulnerability: being unable, being in a situation where you’re not able to meet certain needs or being in a situation where you’re not able to advocate for your rights or demand your rights. [...] You can be vulnerable, exposed or at risk just because

<sup>255</sup> Transcript, UNHCR Respondent 2.

<sup>256</sup> Transcript, UNHCR Respondent 8.

<sup>257</sup> Transcript, UNHCR Respondent 8.

of what you lack, you know like something that either you lack or because of your status or situation. [...] Vulnerability can apply to anyone regardless of status, of course. But there are certain vulnerabilities by the fact that they are refugees they have certain vulnerabilities that come with the status of refugee, right? Vulnerable, for example, like, just by being in a foreign country, you know the usual, it's not the same. And of course you don't go to this country out of choice, you come to a different place, different culture, sometimes different language, different religion. [...] they are foreigners, without refugee status, I mean without the status of refugees puts them in a more vulnerable situation, definitely".<sup>258</sup>

The respondent also asserts: *"I prefer the term 'person with specific needs' and then breaking it down because vulnerability is victim-related and quite negative"*.<sup>259</sup>

Another respondent suggests:

"Well, of course there are different [types of vulnerability], you can be physically vulnerable, you can be mentally vulnerable, you can be financially vulnerable. Well, for me, in general somebody is, as I said, vulnerable if he cannot with own strength or means or circumstances – means that are missing – he or she is not able to regenerate oneself. Well, actually someone who does not have resilience. So there are different types of vulnerability".<sup>260</sup>

Lastly, the one respondent who appears to link vulnerability to risks rather than needs asserts:

"Vulnerability. I would define it as a characteristic that changes according to the external elements. So I don't know, being a refugee in Sudan could be a vulnerability because authorities could target you more easily, they could focus on you more easily, they could blame you for anything. I had a refugee that was arrested because he stared at a police man for too long according to the police man. [...] But also medical cases. The same condition makes someone more vulnerable because in the country of asylum access to treatment might be more limited for foreigners".<sup>261</sup>

#### 8.2.2.4. Other Issues: Dependency and Self-Reliance

Participant observation suggests that respondents are concerned about the dependency and self-reliance of potential beneficiaries.<sup>262</sup> Hence, I asked case workers and IRC members about these issues. This section provides the respondents' perspectives on this issue to the extent that it was discussed during the interviews.

<sup>258</sup> Interview Notes, UNHCR Respondent 10.

<sup>259</sup> Interview Notes, UNHCR Respondent 10.

<sup>260</sup> Transcript, UNHCR Respondent 7. See also Sections 8.1.2.2 and 8.2.1.2 for additional views on vulnerability by this respondent.

<sup>261</sup> Transcript, UNHCR Respondent 9.

<sup>262</sup> See, e.g., Field Note 2, 16–11–17; Field Note 1, 19–11–17.

## Case Workers

When asked about the goal of the basic assistance provided by UNHCR Khartoum, all five case workers assert that the central objective *should* be to facilitate (and actively stimulate) beneficiaries in becoming economically self-reliant.<sup>263</sup> Two case workers are of the opinion that the basic assistance does not increase a beneficiary's dependency. One of these respondents asserts (upon an explicit question on the issue of dependency):

"Dependency. Ok. Can you depend on 800 [SDG]? Can you? They [beneficiaries] call this 800 "a stone who is supporting a big jar". You know, it is not a big stone, but it can hold this jar. [...] it is a very small stone. Because 800 in Khartoum. Because first of all people they are not eligible for work. So they don't have any income. [...] [T]hey are borrowing money from, one of them said to me until now I have to pay 10 000 dollars. I don't know from where. They don't know. But he borrowed this much. He has been staying here for two years. So in the two years, he was calling his brother saying his wife is in the hospital and she is going to die, please send me money. And he sent money for him. [He says] I will pay it when I have good activity [work]".<sup>264</sup>

Another respondent elaborates along similar lines (when asked about the extent to which dependency plays a role for the vulnerability assessment implementation):

"Yes, dependency is a vague issue but I am not saying giving financial assistance will make them dependent. But those categories that we deal with they are really vulnerable so there is no kind of creating dependency by giving financial assistance. Because of the context, so there is no jobs, lack of employment for foreigners is something important here, there is no employment for them. Either they can find employment by themselves, as I told you with small jobs and with low earn but yes. [...] Through my experience, yes, the most needy, vulnerable refugees will come and approach the window for two years maximum. Then they disappear. I came across many people of whom I thought they will not go from this window at all but they disappear. They find some solution. They go to some people's farm, they travel around Sudan to other areas, so the most vulnerable can't stay for more than two years. Either they find a solution by themselves or UNHCR seeks solutions for them and then they don't come here anymore. So why is there a need for this dependency word? I hear it much here, dependency, but yes, we should not create dependency when the family is not vulnerable but when it's vulnerable it is not a dependency then. [...] [T]hey know the temporary nature of assistance so they know they have to look for other options. So immediately they look for other options. So dependency is not applicable maybe here".<sup>265</sup>

Yet, three other case workers argue that the provision of assistance can negatively affect a beneficiary's self-reliance – especially if the financial assistance is provided for too

<sup>263</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and 5.

<sup>264</sup> Transcript, UNHCR Respondent 4. On the worth of the SDG amount at the time of research see Section 6.2.3.

<sup>265</sup> Transcript, Respondent 1.

long. One of these respondents suggests (when discussing the general purpose of the vulnerability assessment):

“CBI [financial assistance], it’s not like, what can I say, it’s not a solution to the problem but it is an intervention for a certain period of time that can help the person to at least find his or her way in the new environment, in the new country, in the new community and different culture and so on. And then after that, I mean he or she will find a way to fit himself within the community”.<sup>266</sup>

When discussing the interaction with potential beneficiaries, the same respondent holds:

“But by the end of the day I think our goal is very clear. That we are here to assist the most needy and vulnerable, we are here to assist those who lost everything that they have: their family, their children, their husband or wife, their home country, their belongings, whatever they have. They have nowhere to go, it is only UNHCR. So that they see us as, you know, last resort [...] So they are always not happy when you tell them ‘you are given assistance for six months and this is the end of it. We cannot renew it. At least now’”.<sup>267</sup>

Another case worker similarly suggests (when asked about any issues regarding dependency):

“The problem is also that the CBI system gives money to the people and is proud to give money and they [beneficiaries] can do with it whatever they want and tell the people that they are independent. And that is also a good concept but in reality the problem is that you give the people money and tell them it is really only temporary, so three to six months, maybe we prolong it, but you cannot become dependent on it and then hope that we give you this money until the end of your life. You really have to find a solution for your problem, your financial problem. And really, all cases which I have, it is always the case that the three months are over and there is still no solution for the woman and she still has the same problem and then she asks ‘where is my money’. And then the problem is a) that it is not enough money, b) it doesn’t last long enough and c) leads to a dependency relationship which does not solve the problem because most of them think ‘ok now I have the money’ and the situation is not resolved. [...] [I]f no durable solution is found, then the person is maybe in a worse position after CBI than she was previously because she then somehow, for instance, has an apartment which she could finance through the support but now not anymore and then she is expelled and stands on the street”.<sup>268</sup>

Another case worker asserts that, while time periods of assistance provision should be longer where no improvement is in sight, the risk of beneficiaries growing dependent

<sup>266</sup> Transcript, Respondent 5.

<sup>267</sup> Transcript, UNHCR Respondent 5. Also mentioned in Transcripts, UNHCR Respondents 7 and 9.

<sup>268</sup> Transcript, UNHCR Respondent 2.

on assistance is real and providing assistance to everyone “*would promote laziness and dependency*”.<sup>269</sup> When asked about the origin of this view, the respondent explains:

“I experienced it. [...] I saw how dependent the females were and a bit reluctant to working or doing anything, they were like ‘no, we get money’. So we’re basically numbing them, numbing their brains and telling them we’ll take care of them when we shouldn’t be, they should find their own way”.<sup>270</sup>

The respondent elaborates:

“It was different when it comes to CBI [financial assistance] before. There were even some people that I was financially supporting for two years and they got used to the financial assistance. It was not much but then they got dependent on the office, like, and then they started coming back when the money stopped and they’re like ‘why the office isn’t doing anything for us?’ But like, the office is not your parents. We’re here to provide the necessary assistance for you to be dependent enough on yourself so off you go”.<sup>271</sup>

When discussing whether and how this has changed, the same respondent holds:

“They are less dependent [now]. Especially with the financial assistance that we’re clear ‘no, this is not going to extent for a longer period, this is going to have an expiry date so until then find work, do your medical, do your psychosocial, get better and then, you know, we’re here to help if you need something else’”.<sup>272</sup>

## IRC Members

When asked about the purpose of the vulnerability-focused basic assistance policy at UNHCR Khartoum, all four IRC members find that the assistance should only be a temporary support until beneficiaries can be self-reliant again.<sup>273</sup> When discussing the IRC’s role in this respect, one respondent holds:

“So, initially it was all about approving the cash amount. For me it’s not about that. It’s about being, does the cash assistance fit within the overall case management plan. Because in the end it’s not the goal to give these people cash. The goal is something else. [...] It doesn’t always make sense to, you know, if you have a mentally unstable person and you just give that person cash, but you didn’t really do the entire job yet, so I check if there’s some further plan”.<sup>274</sup>

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<sup>269</sup> Transcript, UNHCR Respondent 3.

<sup>270</sup> Transcript, UNHCR Respondent 3.

<sup>271</sup> Transcript, UNHCR Respondent 3.

<sup>272</sup> Transcript, UNHCR Respondent 3. Also mentioned in Transcript, UNHCR Respondent 2.

<sup>273</sup> Transcripts, UNHCR Respondents 7, 8 and 9. Interview Notes, UNHCR Respondent 10.

<sup>274</sup> Transcript, UNHCR Respondent 8.

Another IRC member asserts (when discussing the effect of the basic assistance on the self-reliance of beneficiaries):

“I only know that now a few [beneficiaries] already by now ended up at [the UNHCR section for] Livelihood and they were quasi taken into account [for livelihood interventions]. That I know. With others, well partially, well what are really medical issues, yes, I know one who even then once received a wheelchair”.<sup>275</sup>

When asked about the issues of dependency and self-reliance in relation to the assessment, another IRC member remarks: “*I don’t know. This [dependency] is very difficult. Also because we have an obligation [...] we exist to assist them. So it is not like we can back up from this responsibility*”.<sup>276</sup> Yet, the same respondent also holds:

“[T]he dependence on assistance is not the solution, it is just the transition and this is, I mean of course, why protracted refugees are not eligible for financial assistance even if they are in a very dire situation”.<sup>277</sup>

When discussing the identification of vulnerability, another IRC member holds:

“I think the value [of the assistance provided to each beneficiary] was set at the beginning of the CBI so in February/March last year but times have changed, economic times have changed. So we need to review this. Because it is not an aid in itself, it’s supposed to be a means, right? But at the same time it should be something that is, I’m not saying it is not reasonable but it should be something that needs to be adjusted [...] Because otherwise it will definitely not have the intended impact”.<sup>278</sup>

One of the respondents provides particularly detailed answers on dependency and self-reliance. In several instances throughout the interview, the respondent suggests measures that could help to mitigate a beneficiary’s dependency: first, when asked about how to decrease dependency, the respondent holds: “*Follow-up, clearly*”.<sup>279</sup> Second, the IRC member asserts that it is necessary to “*think about the recommendations, well what do you want with this person, and that you then really think about what you can do*”.<sup>280</sup> Third, the respondent underlines:

“Well, actually for each category you could take a closer look, also especially conduct home visits and see whether the refugees, well also look for durable solutions because [at the

<sup>275</sup> Transcript, UNHCR Respondent 7.

<sup>276</sup> Transcript, UNHCR Respondent 9.

<sup>277</sup> Transcript, UNHCR Respondent 9. Also mentioned in Transcript, UNHCR Respondent 7.

<sup>278</sup> Interview Notes, UNHCR Respondent 10.

<sup>279</sup> Transcript, UNHCR Respondent 7.

<sup>280</sup> Transcript, UNHCR Respondent 7. Also mentioned in Field Note, 28–1–18, Field Note, 4–2–18 and Field Note 25–3–18.

moment] in part I have the feeling that the objective is really cash and not something else [while it should be something else]”.<sup>281</sup>

Fourth, the respondent remarks:

“I also think the help which they get, well, it is absolutely not transparent. Well, from my point of view, there should be leaflets like ,if this is not the case, if this is not the case, if this is not the case, then you can’t come”.<sup>282</sup>

Lastly, the respondent finds:

“I mean in part we don’t know at all what the people worked, that is missing completely. What their level of education is, those are crucial questions which could then above all also help the persons, well to make recommendations for them”.<sup>283</sup>

### 8.3. CONTEXTUAL CONSTRAINTS FOR THE VULNERABILITY ASSESSMENT IMPLEMENTATION

This section outlines the contextual constraints that appear relevant for the implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum. In this study, contextual constraints are defined as the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy.<sup>284</sup> This section outlines the study’s findings with regard to six contextual constraints, namely the role of 1) UNHCR’s mandate and international legal obligations, 2) financial and resource constraints 3) the international community, 4) the operational environment, 5) previous experiences and 6) the organisational structure and culture.

#### 8.3.1. THE ROLE OF UNHCR’S MANDATE AND INTERNATIONAL LEGAL OBLIGATIONS

##### 8.3.1.1. *Case Workers*

I reviewed case workers’ general replies during the interviews for direct references to UNHCR’s mandate. Throughout their responses, four of the five case workers refer to

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<sup>281</sup> Transcript, UNHCR Respondent 7.

<sup>282</sup> Transcript, UNHCR Respondent 7.

<sup>283</sup> Transcript, UNHCR Respondent 7.

<sup>284</sup> See Section 1.7. Compare also Chapter 3.

UNHCR's mandate or to UNHCR's obligation to protect refugees. One respondent, for instance, asserts:

"I don't think it is fair that we give more money to equip partners and our persons of concern are in need. If you see the budget for the partner, you would be astonished from the equipment, maintenance [...] I don't think this fits with our mandate".<sup>285</sup>

Another respondent remarks: "*[M]aybe it is not entirely within the mandate of UNHCR but one should try to really change something and to direct the situation into a more positive direction for the person*".<sup>286</sup>

In addition to reviewing case workers' general replies for direct references to UNHCR's mandate, I asked three of the five case workers about whether they perceive the provision of vulnerability-focused basic assistance as something that is grounded in human rights or humanitarian relief. All three respondents consider the provision of basic assistance as being linked to human rights.<sup>287</sup> One respondent, for instance, elaborates:

"How do I put this, it is their right to take financial assistance if they qualify to. Right? We have budget for that, we have money for that. It's their right, just like how it is their right to be registered, how it is their right to study, and to take scholarships from us, so yeah, it's their right, from the [UNHCR] office".<sup>288</sup>

#### 8.3.1.2. IRC Members

I reviewed the replies by IRC members for direct references to UNHCR's mandate or to the organisation's international legal obligations. All four IRC members refer to this legal context in one way or another. One respondent, for instance, asserts:

"Sometimes when refugees come and complain about UNHCR assistance, I try to remind them that UNHCR was created in order to provide legal assistance to refugees. Like physical protection to avoid deportation and refoulement. This is the main mandate. This is why it was created and this will never, I mean, UNHCR will never fail in having this as a pillar".<sup>289</sup>

Upon the question of why the respondent joined UNHCR, the same respondent holds:

"I am going back to the legal, to the origins of UNHCR. I think that is really, that is really important and that is the main thing. I mean of course, maybe someone doesn't have a job, even if someone is fleeing, they are just trying to find a safe place. Whether they will be forced to stay there for a long time or short time, and how, that is secondary".<sup>290</sup>

<sup>285</sup> Transcript, UNHCR Respondent 4. Also mentioned in Transcripts, UNHCR Respondents 1, 2 and 3.

<sup>286</sup> Transcript, UNHCR Respondent 2.

<sup>287</sup> Transcripts, UNHCR Respondents 1, 3 and 4.

<sup>288</sup> Transcript, UNHCR Respondent 3.

<sup>289</sup> Transcript, UNHCR Respondent 9.

<sup>290</sup> Transcript, UNHCR Respondent 9. See also Section 8.3.3.



Another IRC member similarly asserts (when reflecting upon UNHCR's role): *"they [refugees] are, according to international refugee law, entitled to certain services and you cannot ignore that"*.<sup>291</sup> Another respondent remarks (when asked about whether the respondent perceives the provision of financial assistance as grounded in human rights or humanitarian relief): *"we always implement time and again some rights which we find important"*.<sup>292</sup> When pondering on this issue, the same respondent elaborates: *"Well, I am just thinking whether, well, whether they [rights] are all the same or whether one [should] weigh[] them a bit more"*.<sup>293</sup> The same respondent also finds (when discussing beneficiaries who miss their appointments): *"I think [as a refugee] you also have to have a certain duty, so you don't only have rights, but also duties"*.<sup>294</sup>

When reflecting upon the challenges with the vulnerability assessment, another respondent similarly asserts:

*"[S]o the challenges [for refugees arriving in Khartoum] would be, challenge number one would be access to information, right? Information about what is expected of them, their rights and their responsibilities as refugees first of all so this is definitely one"*.<sup>295</sup>

### 8.3.2. THE ROLE OF FINANCIAL AND RESOURCE CONSTRAINTS

#### 8.3.2.1. Case Workers

Without being explicitly asked about financial and resource constraints, three case workers refer to UNHCR's budget as relevant consideration for the provision of basic assistance.<sup>296</sup> When reflecting upon UNHCR's work in general, one case worker, for instance, asserts: *"But sometimes, because of budget problems, we don't have enough money for this or that, we cannot, we will not be able to meet their [beneficiaries'] expectations"*.<sup>297</sup>

Another case worker suggests (when discussing amendments in the vulnerability assessment):

*"There is some organisation, a partner of UNHCR, we equip them with equipment. All the equipment and the salaries is higher than the budget for the assistance. Why? All this should help the PoC [persons of concern]. So each year again you find the equipment [in the budget] in every year. But the equipment should last at least 5 years or 10 years. [...] And then you leave this organisation although it is qualified and you go to another organisation and equip them and capacity building and blablabla. Helping them here and there. What capacity*

<sup>291</sup> Transcript, UNHCR Respondent 8. See Section 8.2.2.3.

<sup>292</sup> Transcript, UNHCR Respondent 7.

<sup>293</sup> Transcript, UNHCR Respondent 7.

<sup>294</sup> Transcript, UNHCR Respondent 7.

<sup>295</sup> Interview Notes, UNHCR Respondent 10.

<sup>296</sup> Transcripts, UNHCR Respondents 3, 4, 5. See also Section 8.3.1.

<sup>297</sup> Transcript, UNHCR Respondent 5.

building? For what? This is for PoCs. So it's better, then, to do direct implementation and to stop all this waste of money".<sup>298</sup>

#### 8.3.2.2. IRC Members

Without being explicitly asked about financial and resource constraints in relation to the vulnerability assessment, all IRC members refer to the issue in their interview responses. One respondent holds: "[The vulnerability assessment] *is actually the condensation of what UNHCR can do financially, we cannot assist everybody so you need to establish a threshold*".<sup>299</sup> Another respondent views financial constraints as primary reason for generalisations in the vulnerability assessment.<sup>300</sup> A third respondent asserts:

"The thing is, well no, it would not even have to be that, but the thing is simply that because the means are limited, you have to draw a line somewhere, and I think it is then easier if you have really simple categories, to say: there we can agree upon much quicker".<sup>301</sup>

The fourth IRC member is less sceptical about the limits of the budget and, instead, asserts that current assistance levels are too low.<sup>302</sup>

### 8.3.3. THE ROLE OF THE INTERNATIONAL COMMUNITY

#### 8.3.3.1. Case Workers

None of the case workers is in direct contact with donors or other UN agencies that could provide direct input on any potential international political priorities and none of the case workers explicitly refers to any of the international political priorities in their replies.<sup>303</sup>

Nevertheless, four of the five case workers refer to the role politics and diplomacy play in their work.<sup>304</sup> When being asked about UNHCR and the international community, one respondent, for instance, asserts: "*You let me talk about diplomatic. [...] But I leave this because I think it is a mess. Really, I think diplomatic and policies are a mess*".<sup>305</sup> Another case worker holds (when being asked about why the respondent had joined UNHCR):

"I thought we're saving the world. Literally. That was my initial idea of the UN in general, that we're doing good, we're saving lives, basically and we're affecting people's lives. [...]"

<sup>298</sup> Transcript, UNHCR Respondent 4. Also mentioned in Field Note 31–01–18.

<sup>299</sup> Transcript, UNHCR Respondent 9.

<sup>300</sup> Transcript, UNHCR Respondent 8. See also Section 8.2.1 and Section 8.2.2.1.

<sup>301</sup> Transcript, UNHCR Respondent 7.

<sup>302</sup> Interview Notes, UNHCR Respondent 10. See Section 8.2.2.4.

<sup>303</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and 5.

<sup>304</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and Field Note, 07–01–18. See also Section 8.2.2.1.

<sup>305</sup> Transcript, UNHCR Respondent 4.

That changed, that really changed because after joining [UNHCR] I realised that there is so much to be done and like the UN agencies are not really a humanitarian agency, it's more of a political entity. So there is, every step and every move that you make has a political, you know, aspect of it. So it is a bit tricky. You don't have the full capacity to act in the UN name. So yeah, no, it's different, definitely".<sup>306</sup>

Additionally, the respondent remarks (upon the question whether international politics directly influence the implementation of the vulnerability assessment): "*Actually it doesn't. [...] I mean the cash aspect is a very small aspect of the entire thing so no, when it comes to cash-based interventions it didn't*".<sup>307</sup> Two other respondents similarly suggest that such political and/or diplomatic issues are of limited direct relevance for their work regarding the vulnerability assessment.<sup>308</sup>

Nevertheless, the case workers' interview responses in general indicate that the three international political priorities mentioned in Chapter 3 (emergency relief, sustainable development and migration management) are somewhat relevant to the implementation of the vulnerability assessment at UNHCR Khartoum.

All case workers appear torn between the international political priorities of emergency relief and sustainable development.<sup>309</sup> When asked about the purpose of the vulnerability assessment, one respondent, for instance, asserts: "*Its value is humanitarian and development*".<sup>310</sup> Another case worker holds (when discussing personal experiences with UNHCR):

"I didn't believe that UNHCR is weak. I feel it. I feel that they are dealing with the issue with a very narrow perspective. Not a wide one. They are not looking to all the output from what they are doing now".<sup>311</sup>

Moreover, when reflecting upon the issue of dependency in relation to the provision of assistance, three case workers underline that the vulnerability-focused basic assistance should facilitate beneficiaries in becoming self-reliant (which could be viewed as an indication of the sustainable development rationale).<sup>312</sup>

The migration management rationale is less directly reflected in the replies by case workers. Nevertheless, three case workers mention an issue that appears related to this international political priority. From a field note:

"The case worker points to the specific problem of not all Eritrean refugees being actual refugees. In nevertheless considering them as such and providing assistance, the case worker

<sup>306</sup> Transcript, UNHCR Respondent 3.

<sup>307</sup> Transcript, UNHCR Respondent 3.

<sup>308</sup> Transcripts, UNHCR Respondents 2 and 4.

<sup>309</sup> See Sections 8.2.2.1 and 8.2.2.4.

<sup>310</sup> Transcript, UNHCR Respondent 1.

<sup>311</sup> Transcript, UNHCR Respondent 4.

<sup>312</sup> See Sections 8.2.2.2 and 8.2.2.4.

feels UNHCR becomes part of the system [of irregular migration] and encourages further emigration from Eritrea”.<sup>313</sup>

#### 8.3.3.2. *IRC Members*

Three of the four IRC members are actively involved with donors or other UN agencies. One respondent is less directly involved with the international community but nevertheless asserts (when discussing UNHCR’s abilities to assist refugees):

“I am not protecting UNHCR when failing to provide all-round assistance to refugees but it is also true that what UNHCR can do depends a lot on funding. Then let’s not go to the part of how much it costs to maintain UNHCR because that’s another issue but the money that is actually earmarked for humanitarian purposes – so the assistance that actually goes to the refugees – that is very volatile”.<sup>314</sup>

Two IRC members refer to WFP as competitor of UNHCR. One respondent, for instance, holds:

“And I think this [individual case management] would really be a strength which UNHCR should make use of, because I think this is exactly the big difference to WFP. Their SDG [sustainable development goal] is zero hunger, implemented very quickly simply by giving food, stupidly put”.<sup>315</sup>

Another respondent asserts along similar lines:

“[W]hen all other agencies are saying they can’t do anything anymore either because of capacity or funding or access then we are still tasked to come up with a solution and to provide solutions to the refugees. For WFP that was different because it was one of the bigger agencies providing food relief so they could simply say ‘oh we have a funding gap so we’ll have to reduce our food basket and move our way out of these areas because we don’t have the money anymore’. That was accepted. I don’t feel like here in UNHCR it’s acceptable to say we don’t have the money so we leave this sector completely aside or we move away from this camp because we can’t assist those people anymore. So from my personal perspective you have to be a lot more innovative and really look at cost-benefit analysis and think about how to best use your money to make sure you can serve the most essential needs for most people while in WFP you got contributions and you procure food and that food can serve a certain amount or a certain number of people or you give them half and then it can serve twice as many people, which is a more technical equation of assistance as compared to UNHCR. We have to do with the legal background, the advocacy environment, all the different sectors, all the other agencies that are also operating in those sectors”.<sup>316</sup>

<sup>313</sup> Field Note 2, 16–11–17. Also mentioned in Transcripts, UNHCR Respondents 1 and 2.

<sup>314</sup> Transcript, UNHCR Respondent 9.

<sup>315</sup> Transcript, UNHCR Respondent 7.

<sup>316</sup> Transcript, UNHCR Respondent 8.

Three of the four IRC members generally consider politics and diplomacy as influential for UNHCR's work.<sup>317</sup> When asked about the origin of UNHCR's contextual constraints, one respondent, for instance, asserts:

"[Y]ou know all this, I would say it is bureaucracy but also politics. I mean the United Nations are a political organisation. So sometimes you want to do something, you have the capacity to do it but you can't. And probably the United Nations, because they are a diplomatic and a political entity, they don't have like a strong attitude and sometimes they even fail to meet their mandate because of this".<sup>318</sup>

When discussing previous experiences, another respondent finds:

"Here, already in UNHCR you are dealing with people who are not nationals of the country which is already a lot more, how to say, political as a question than providing assistance to your own population. So it is very, very, very different".<sup>319</sup>

I did not explicitly ask IRC members about the three international political priorities outlined in Chapter 3. However, the IRC members' general replies to different issues covered during the interviews provide some insights on these priorities.<sup>320</sup>

Two respondents generally emphasise that UNHCR is more than an emergency relief agency.<sup>321</sup> When asked about the extent to which the vulnerability assessment is and should be part of basic relief efforts or work towards structural change, one of these two IRC members suggests:

"I think individual relief is an emergency solution, should be an emergency solution. I think focus on livelihood, focus on education, focus on many other things should be the priority. We are doing very little compared to what is actually needed. It is just, you know tamponing [...] the wound. We are not actually fixing the problems".<sup>322</sup>

All IRC members are concerned about the beneficiaries' self-reliance, thereby indicating some awareness about the sustainable development rationale.<sup>323</sup> One respondent, for instance, points out:

"Because I don't understand how someone can be a refugee for 40 years [...] and there UNHCR would have to do much much more, but I don't know how the successes were, if there have been any successes in Sudan".<sup>324</sup>

<sup>317</sup> Transcript, UNHCR Respondent 7. Also mentioned in Transcripts, UNHCR Respondents 8 and 9.

<sup>318</sup> Transcript, UNHCR Respondent 9. Also mentioned in Transcript, UNHCR Respondent 7 (see Section 7.3.3).

<sup>319</sup> Transcript, UNHCR Respondent 8.

<sup>320</sup> I could not identify any other crucial international political priorities as relevant to the implementation of the vulnerability assessment in the case workers' and IRC members' replies or during participant observation.

<sup>321</sup> Transcripts, UNHCR Respondents 7 and 9.

<sup>322</sup> Transcript, UNHCR Respondent 9.

<sup>323</sup> Transcripts, UNHCR Respondents 7, 8 and 9 and Interview Notes, Respondent 10. See Section 8.2.2.4.

<sup>324</sup> Transcript, UNHCR Respondent 7.

The same respondent also remarks:

“[T]hese processes [vulnerability assessments] should also above all, help in the sense that you see ‘shit, we didn’t even notice that about 70% of the people are still asylum seekers since 20 years’”.<sup>325</sup>

Lastly, the migration management rationale is not directly apparent in the interview replies by IRC members. However, participant observation reveals that at least one IRC member is concerned about the risk of financial assistance becoming a “*pull factor*” that attracts people to move to Khartoum.<sup>326</sup> From a field note about one of these discussions during an IRC meeting:

“When reviewing financial assistance requests for children, IRC member 1 voices concerns about how the fact that, in principle, all unaccompanied and separated children receive financial assistance by UNHCR can be a pull factor that encourages children to migrate/ move to Khartoum in the first place. IRC member 2 agrees but also suggests that there should be a balance between concerns about the pull factors caused by the assistance provided here and the improvement of conditions in the country of origin so as to ensure they don’t come to Sudan/Khartoum and emphasises that the best interest of the child should be a primary concern”.<sup>327</sup>

#### 8.3.4. THE ROLE OF THE OPERATIONAL ENVIRONMENT<sup>328</sup>

All respondents were asked about their experience with the operational environment in Khartoum with regard to their daily work with the vulnerability assessment. The respondents mention a diverse range of challenges for UNHCR as well as for potential beneficiaries.

##### 8.3.4.1. Case Workers

##### Challenges for UNHCR

Case workers mention UNHCR’s limited leverage against the Sudanese authorities as well as to the difficulties in accessing potential beneficiaries as the main challenges in the operational environment for UNHCR when implementing the vulnerability assessment for basic assistance in Khartoum.

Four of the five respondents mention UNHCR’s limited leverage against the Sudanese authorities.<sup>329</sup> One respondent, for instance, suggests that Sudan’s

<sup>325</sup> Transcript, UNHCR Respondent 7.

<sup>326</sup> Transcript, UNHCR Respondent 7 (see Section 7.3.3). Also mentioned in Field Note 1, 04–03–18.

<sup>327</sup> Field Note 1, 04–03–18.

<sup>328</sup> Compare also Chapters 5 and 6.

<sup>329</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4.

encampment policy is hindering the vulnerability assessment's identification of all potential beneficiaries who should receive basic assistance:

"Well, I think it has a lot to do with the context of Sudan, because there are a lot of Eritrean refugees or asylum seekers which have a hard time here. Well, they are really not registered because Sudan has an encampment policy. [...] This is why many people use smugglers to get out of the camp or circumvent the camp altogether. And the government doesn't want that, that's why they don't want to register them. We used to register Eritreans, well until about six months ago, but we stopped this now and now we get more and more newly arrived whom we cannot help because if they are not registered I can't give them CBI [cash-based interventions, i.e. basic assistance]".<sup>330</sup>

Another case worker asserts along similar lines: *"If the government says no then UNHCR has nothing to force, I mean we cannot force the government, we cannot literally say you cannot [restrict the freedom of movement]"*.<sup>331</sup> The same respondent elaborates:

"The movement and every action of UNHCR is monitored and it needs approval of the government. So every step is watched and every activity needs to be you know, under the radar of the government and the national security. So it is a bit tricky in this sense. Especially in Sudan where it is even outside the UN context a bit difficult for you to do something that the government or national security is not aware of or the government did not approve of or to even say things".<sup>332</sup>

Another respondent remarks:

"Because UNHCR is not working at all. She is working on the behalf of the country. [...] Most of the girls, they were raped in a place called Hajar. In every story you find this. Now for four or six years. They [UNHCR] cannot stop this. If it is an incident or two then ok, but if you can't protect them from this, this is the main protection. [...] [It is] not different ministries. It's the same. Ministry of Interior bring them in [meaning smuggles them into the country], let them be raped there at the border, protect them under COR umbrella [UNHCR's government implementing partner], and round up them [into detention] in Khartoum. The same Ministry of Interior".<sup>333</sup>

Three of the five respondents mention UNHCR's challenges in accessing potential beneficiaries as another influence of the operational environment upon the implementation of the vulnerability assessment.<sup>334</sup> When asked about the biggest

<sup>330</sup> Transcript, UNHCR Respondent 2. Also mentioned in Field Note, 15–11–17. Registration started again about halfway through the research period.

<sup>331</sup> Transcript, UNHCR Respondent 3.

<sup>332</sup> Transcript, UNHCR Respondent 3.

<sup>333</sup> Transcript, UNHCR Respondent 4.

<sup>334</sup> Transcripts, UNHCR Respondents 1, 2 and 3.

concern with regard to the potential beneficiaries the case worker sees, one respondent, for instance, remarks:

“And we don’t even have statistics and because of that we’re not reaching out to people and we don’t have the actual number of the people who are here so our information is basically lacking and we cannot really get in touch with them to help them out”.<sup>335</sup>

### Challenges for Potential Beneficiaries

All five case workers also point to the challenges which potential beneficiaries face in Khartoum as relevant for UNHCR’s basic assistance provision. Respondents mention in particular: difficulties to find work, harassment and discrimination, a general lack of public services, lack of documentation and registration, detention by the police and deportation.<sup>336</sup>

All five case workers refer to the difficulties for potential beneficiaries to find work.<sup>337</sup> When asked about the role of the specific context of Sudan for the implementation of the vulnerability assessment, one respondent, for instance, holds:

“Well it is really very difficult for Eritreans to come here and work because we actually have to tell them that they have to keep a low profile because the police is looking for you everywhere but at the same time we can’t support you and you have to find work. Well, this is the double standard which somehow doesn’t make sense here”.<sup>338</sup>

Upon the same question, another respondent asserts along similar lines:

“Even national Sudanese they don’t have work. There is no opportunity to work. Most, most, vacancies is booked for the regime people. So if you are not from the regime you will not be included in the in the work”.<sup>339</sup>

In addition, four case workers mention the harassment and discrimination faced by some beneficiaries.<sup>340</sup> One respondent, for instance, remarks (when discussing group-related vulnerability):

“So the group of refugees, for instance Eritreans and Ethiopians, they’re extremely vulnerable compared to, for instance, Yemeni and Syrians who can manoeuvre. Their [Eritreans and Ethiopians] needs can’t [be met] and they undergo you know, racial discrimination”.<sup>341</sup>

<sup>335</sup> Transcript, UNHCR Respondent 3.

<sup>336</sup> Compare also Chapter 5.

<sup>337</sup> Transcripts, UNHCR Respondents 1, 2, 3, 4 and 5.

<sup>338</sup> Transcript, UNHCR Respondent 2.

<sup>339</sup> Transcript, UNHCR Respondent 4.

<sup>340</sup> Transcripts, UNHCR Respondents 1, 2, 3 and 4.

<sup>341</sup> Transcript, UNHCR Respondent 3.



Additionally, another respondent mentions the lack of access to services even for Syrian and Yemeni refugees:

“Where is your services? If you don’t have services why you open the door [to Syrian and Yemeni refugees to work and settle in Sudan]? [...] Just brothers and sisters for the media. But nothing is happening”.<sup>342</sup>

Moreover, when asked about the main issue for potential beneficiaries in Khartoum, one respondent asserts: “*Registration, registration, registration. Documentation. Without that they cannot move, they cannot work, they cannot do anything. That’s a huge concern*”.<sup>343</sup> In another instance during the interview, the same respondent explains: “*I mean if they are registered with us doesn’t necessarily mean they have a document from the government, right?*”<sup>344</sup>

Related to this, two respondents refer to the detention of potential beneficiaries by the Sudanese authorities in Khartoum as additional challenge.<sup>345</sup> One respondent, for instance, holds:

“Like this group who doesn’t have COR ID card. [...] Which still exposes them to being detained. [...] Other group like who have no job except tea selling. And the government stopped foreign nationals from tea selling in the street. So this is also a group for them to be detained”.<sup>346</sup>

Moreover, Sudan’s deportation of persons infected with HIV/AIDS is another issue which one case worker notes as challenging and which participant observation indicates repeatedly as being a concern for UNHCR employees.<sup>347</sup>

#### 8.3.4.2. IRC Members

##### Challenges for UNHCR

IRC members mention UNHCR’s limited leverage and the difficulties in accessing potential beneficiaries as main challenges for UNHCR when implementing the vulnerability assessment for basic assistance in the operational environment of Khartoum.<sup>348</sup>

All four IRC members view UNHCR’s possibilities as limited due to the problematic relationship with, and limited leverage against, the Sudanese authorities.<sup>349</sup> When

<sup>342</sup> Transcript, UNHCR Respondent 4. With ‘brothers and sisters’ the respondent refers to the different status for Arab refugees (see Section 5.3).

<sup>343</sup> Transcript, UNHCR Respondent 3.

<sup>344</sup> Transcript, UNHCR Respondent 3. See also Transcript, UNHCR Respondent 1.

<sup>345</sup> Transcripts, UNHCR Respondents 1 and 4.

<sup>346</sup> Transcript, UNHCR Respondent 1.

<sup>347</sup> Transcripts, UNHCR Respondents 1 and 4. See also, e.g., Field Note, 15–11–17; Field Note 1, 19–11–17; Field Note, 25–02–18.

<sup>348</sup> Compare also Chapters 5 and 6.

<sup>349</sup> Transcripts, UNHCR Respondents 7, 8, 9 and Interview Notes, UNHCR Respondent 10.

asked to describe UNHCR's operational environment in Khartoum, one respondent, for instance, remarks:

"[I]t seems like the government really wants to have control. So they are not, I mean it is like UNHCR is the government implementing partner or operational partner [while on paper it is the other way around]. And yes, they [the government] could even deny exit visa, for instance [...]. And yes, it is interesting the fact that we are not allowed to resettle Syrian and Yemeni, that we register them on our database and they are not registered by the government, the same for South Sudanese. I don't know, I have never even heard about South Sudanese in this operation".<sup>350</sup>

In addition, all IRC members are concerned about UNHCR's difficulties in accessing potential beneficiaries in Khartoum.<sup>351</sup> When asked about the most common vulnerabilities of potential beneficiaries in Khartoum, one respondent, for instance, asserts: "*[Y]ou know, there's so many refugees that we don't know are there, or we know they are there but you don't have contact on a daily basis so*".<sup>352</sup> The same respondent adds (when asked about the biggest challenge for UNHCR in Khartoum):

"The biggest challenge? Accessing the people in need. One to provide support to them but two, to actually get valuable information about what it is that they need. To know what's going on about the population. It's difficult. Very difficult".<sup>353</sup>

When asked about the operational environment in Khartoum, another respondent holds along similar lines:

"Especially because the government does not really allow outreach activities or maybe now it is, but when I arrived it was kind of made clear that UNHCR cannot do outreach activities and that is of course a great limitation in what UNHCR can do for urban refugees, because then it becomes very important how they convey the message without ties and how they get through the community leaders to the people who don't usually approach UNHCR. So yes, I think the biggest challenge is reaching out to them and make very clear what UNHCR can do for them or not".<sup>354</sup>

### Challenges for Potential Beneficiaries

All four IRC members also comment on the challenges which potential beneficiaries face in Khartoum. IRC members refer to harassment and discrimination, detention, local culture and access to information.

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<sup>350</sup> Transcript, UNHCR Respondent 9.

<sup>351</sup> Transcripts, UNHCR Respondent 7 (see Section 7.3.4), UNHCR Respondent 8, UNHCR Respondents 9 and Interview Notes, Respondent 10.

<sup>352</sup> Transcript, UNHCR Respondent 8.

<sup>353</sup> Transcript, UNHCR Respondent 8.

<sup>354</sup> Transcript, UNHCR Respondent 9.

All IRC members refer to harassment and discrimination as challenging for potential beneficiaries in Khartoum. In this respect, respondents mention, in particular, refugee status, documentation, registration and nationality.<sup>355</sup> When asked about the vulnerability of potential beneficiaries in Khartoum, one respondent, for instance, asserts:

“[D]epending on your nationality if you’re a refugee in Khartoum, it’s tough. For all of them it’s tough but for some nationalities it’s even more tough because of their status here that is not always recognised by the government”.<sup>356</sup>

Three respondents also refer to the issue of detention.<sup>357</sup> When asked about any challenges in the identification of vulnerability, one respondent, for instance, holds:

“[T]hey [refugees] are still exposed to arrest and detention even with identity card, whether they have a refugee card or not [...]. So I think that also is a big factor in their situation which I believe if it were better, it would make a difference. But now I think many of them live in too much fear, fear to be placed in detention, and if they are arrested they don’t speak the language sometimes, or if you’re a woman, you leave your children at home or you rent a house and if you are arrested you can’t pay the rent, sometimes the partner at home doesn’t even know they have been arrested, you know? So it is quite a challenge”.<sup>358</sup>

When asked about the main issue for potential beneficiaries in Khartoum, another respondent states along similar lines:

“I think what a very big, yes, maybe the only, the one of which I know a little bit is simply these round-ups, so that they are in part really almost like arrested, well they also even yes, or that in part their papers are torn and so on. That, this is what I can tell you, the rest I can’t tell you. Well we know, that they are discriminated, yes”.<sup>359</sup>

In addition, all four IRC members assert that the access to services is easier for some refugees.<sup>360</sup> When asked to define vulnerability, one respondent, for instance, holds:

“The same condition makes someone more vulnerable because the country of asylum does not provide a certain type of assistance and the access to treatments might be more limited because you are a foreigner”.<sup>361</sup>

<sup>355</sup> Transcripts, UNHCR Respondents 7, 8, 9 and Interview Notes, Respondent 10.

<sup>356</sup> Transcript, UNHCR Respondent 8.

<sup>357</sup> Transcripts, UNHCR Respondents 7 and 9 and Interview Notes, Respondent 10.

<sup>358</sup> Interview Notes, UNHCR Respondent 10.

<sup>359</sup> Transcript, UNHCR Respondent 7. Also mentioned in Transcript, UNHCR Respondent 6 and Field Note, 15–11–17.

<sup>360</sup> Transcripts, UNHCR Respondents 7, 8 and 9 and Interview Notes, UNHCR Respondent 10.

<sup>361</sup> Transcript, UNHCR Respondent 9.

When asked about any challenges in the identification of vulnerability in Khartoum, another respondent asserts:

“I think the eligibility and access to services [...] that the country [...] and the humanitarian agencies [...] are able to offer is not sufficient and therefore, in some cases, may increase the vulnerability of some of the people and they’re not able to access the services required to help them to rebuild their lives”.<sup>362</sup>

Furthermore, three IRC members suggest that the local culture and the unfamiliarity with the new environment form additional challenges for potential beneficiaries.<sup>363</sup> When asked about the vulnerability of refugees, one respondent, for instance, holds:

“They don’t know the environment, well if you’re here for 3–4 years it is not that bad anymore, but you come into a new environment, you don’t know the social network, everything through which you actually have your support, is missing. So for this reason they are from my point of view much more vulnerable than a person who is already living here the whole time anyway”.<sup>364</sup>

Additionally, when reflecting upon the challenges with the vulnerability assessment, one respondent suggests that the access to information poses a particular challenge for potential beneficiaries:

“But in a place, for example in Khartoum, which is an urban area, it’s a large city, big, complex, so chances of identifying, when someone arrived in Khartoum, where to go, where to get help, yeah, so the challenges would be, challenge number one would be access to information, right?”<sup>365</sup>

Lastly, three IRC members compare the urban and the camp context and identify several elements which make either context more challenging.<sup>366</sup> When asked about the Khartoum context and how this relates to any previous experiences, one respondent, for instance, remarks:

“I was never based in a camp but I was just doing missions to the camps [...]. And so yes, I mean the refugees can just go there, just to say hello and drink tea and then by chit-chatting things come out, you don’t need to schedule an interview, you have neighbours reporting, I don’t know, the camp neighbours notice something going on, if someone disappears you realise immediately. If someone is pregnant, you notice. So even if they don’t come to us for help you can go and propose it, and offer it. Just what I have seen a lot in [country X] actually. The staff knew everyone by heart and you could monitor their needs more easily, especially if a man is abusing the wife it is not that obvious that the wife would come and report her

<sup>362</sup> Interview Notes, UNHCR Respondent 10.

<sup>363</sup> Transcript, UNHCR Respondents 7 and 9. Interview Notes, UNHCR Respondent 10.

<sup>364</sup> Transcript, UNHCR Respondent 7.

<sup>365</sup> Interview Notes, UNHCR Respondent 10. See also Section 8.3.1.

<sup>366</sup> Transcripts, UNHCR Respondents 7, 8 and 9. See also Section 8.3.2.

husband. So, yes, there are advantages and disadvantages. Because refugees in the camps they have more trouble for their livelihoods, there are a lot of refugees who don't want to leave the camps because they have education, they have good rations and everything but in the end it is not enough. So they try to leave and find a different solution".<sup>367</sup>

### 8.3.5. THE ROLE OF PREVIOUS EXPERIENCES

I could not find indications that the previous sector and organisational experiences play any direct role in the implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum. Instead, participant observation and policy implementers' replies during the semi-structured interviews indicate the relevance of respondents' personal experiences (previous work experience and experience with other vulnerability assessments) for the implementation of the vulnerability assessment. Due to the personal element of this issue and the small number of respondents this section does not include direct quotes and is kept in very general terms in order to guarantee the respondents' anonymity.

#### 8.3.5.1. *Case Workers*

Four of the five case workers have been working with UNHCR for several years and are thoroughly familiar with the context of urban refugees in Khartoum. Four case workers are Sudanese and two of them have previously been based in, or been on mission to, one or several refugee and/or IDP camps in Sudan. Three case workers have worked with different refugee populations before working on implementing the vulnerability assessment for basic assistance at UNHCR Khartoum. One case worker has previously worked in the IDP context. The interviews with these case workers indicate that these experiences can make it easier for the respondents to identify the vulnerability of a potential beneficiary but can simultaneously make them more sceptical towards potential beneficiaries' claims.

Four case workers are familiar with earlier and/or other versions of vulnerability assessments employed at UNHCR Khartoum but are not familiar with other vulnerability assessments used by UNHCR elsewhere. None of the case workers is familiar with any vulnerability assessments used by other organisations than UNHCR. Hence, case workers perception about vulnerability, vulnerability assessments and respective administrative dilemmas are very much shaped by their experience with vulnerability assessments used by UNHCR Khartoum and, in particular, by their experiences with the vulnerability assessment on which this study focuses. The interviews with these case workers suggest that the case workers who have experience with other UNHCR assessments are more critical of the current assessment and their ideas on vulnerability are more diverse and elaborate.

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<sup>367</sup> Transcript, UNHCR Respondent 9.

### 8.3.5.2. *IRC Members*

All IRC members are international staff members who have worked in a variety of different humanitarian contexts before. Two of them have worked in the humanitarian field for quite some time while the two others merely had a few years of work experience. All IRC members are familiar with the camp context from missions to the field but none of them were ever based in a camp. Two IRC members have always been working with refugees while two other IRC members have also been involved in other humanitarian contexts. One IRC member has worked for UNHCR in several countries while the other three IRC members only recently joined UNHCR. The participant observation during IRC meetings suggests that this diverse previous experience influences the respondents' understanding of who is vulnerable and what vulnerabilities are considered severe enough to be in need of assistance.<sup>368</sup> It also appears to influence the IRC members' scepticism towards potential beneficiaries' claims as well as their perception of the operational environment.

Three of the four IRC members are familiar with earlier and/or other versions of vulnerability assessments employed at UNHCR Khartoum but none of the IRC members is familiar with any other vulnerability assessments by UNHCR or other organisations. Hence, IRC members' perception about vulnerability, vulnerability assessments and respective administrative dilemmas are very much shaped by their experience with the specific vulnerability assessment on which this study focuses. The interviews with IRC members do not reflect any differences in the IRC members' understanding or critique of vulnerability that could be linked to their different level of familiarity with UNHCR Khartoum's vulnerability assessments.

### 8.3.6. THE ROLE OF THE ORGANISATIONAL STRUCTURE AND CULTURE

All respondents were asked about how the organisational structure and culture influences their vulnerability-assessment-related work. The respondents mention a diverse range of issues which the below sections distinguish into management and coordination, communication, skills, motivation, time pressure (only mentioned by case workers) and frequent staff turnover (only mentioned by IRC members).

#### 8.3.6.1. *Case Workers*

##### Management and Coordination

Participant observation indicates a hierarchical and compartmentalised structure at the core of UNHCR Khartoum's work.<sup>369</sup> The interview replies by two case workers

<sup>368</sup> See, e.g., Field Note 1, 10–12–17, Field Note, 28–01–18, Field Note 2, 04–02–18 and Field Note, 25–03–18.

<sup>369</sup> Field Note 2, 10–12–17, Field Note 1, 12–02–18 and Field Note 2, 12–02–18.

suggest, however, that this is not necessarily beneficial for the implementation of the basic assistance policy. When discussing contextual constraints for the implementation of the vulnerability assessment, one respondent, for instance, holds:

[T]he lack of coordination and the lack of information sharing, the lack of you know everyone is basically working by himself and when we can all actually come together and promote each other and promote the goodness of this place but that's not actually what is happening".<sup>370</sup>

Another respondent compares UNHCR to an earlier employer and asserts: "[The other organisation is] [t]otally different. Their goals are clear. Their plans are clear. The monitoring is clear. For all people".<sup>371</sup>

One case worker appears less critical:

"The atmosphere is very good. The work environment, colleagues, structure, rules, regulations, they are all great. So there is no problem in that. I don't face any challenges in that for my work".<sup>372</sup>

However, when discussing the processing of potential beneficiaries, the same respondent simultaneously asserts that things do not always run smoothly:

"More than 20 [cases] I don't register, I only talk to them [because internal guidelines state case workers should handle 20 cases per day]. But they are still referred from reception although I tell them not to do this".<sup>373</sup>

## Communication

Two case workers mention the way and level of communication between case workers and IRC members as relevant for the implementation of the vulnerability assessment.<sup>374</sup> One case worker, for instance, asserts:

"You know, first when the IRC started, [...] they would accept, accept, accept [vulnerability-focused basic assistance requests] but then at a certain time they came back [to me] and they said 'they [the vulnerability assessments] all sound the same' and that was their problem. [...] But the people that I see have literally the same profile: Kidnapped at the border, Rashaida<sup>375</sup>, this amount of money, raped, they arrived newly, period. So they said 'nonono, give us more details' but it wouldn't make a difference because they are still the same profile: more ransom, less ransom, more days, less days and that's it, that's the difference".<sup>376</sup>

<sup>370</sup> Transcript, UNHCR Respondent 3.

<sup>371</sup> Transcript, UNHCR Respondent 4.

<sup>372</sup> Transcript, UNHCR Respondent 1.

<sup>373</sup> Transcript, UNHCR Respondent 1. Similar issues also mentioned in Transcripts, UNHCR Respondents 3 and 4.

<sup>374</sup> Transcripts, UNHCR Respondents 3 and 4.

<sup>375</sup> The Rashaida are a tribe in Eastern Sudan.

<sup>376</sup> Transcript, UNHCR Respondent 3.

In addition, three case workers suggest that IRC members should get to know the potential beneficiaries to better understand the case workers' dilemmas.<sup>377</sup> When discussing the likelihood of potential beneficiaries not being entirely truthful, one respondent, for instance, remarks:

"You find the case [where vulnerability is not clear]. That's why I say to the IRC meeting they should meet the people. One day [IRC member 1] should conduct with us the counselling. [IRC member 2] should conduct the counselling. The people who are sitting in the IRC they are not facing problems. They are not. [...] sometimes we find problems where we have no solution for them. [...] For example the children, I know that the children should not work. But could you tell a child to live with 800 [SDG]? Could you? Could you say to him 'no you should not work this is against our [policy]'? How come? How come? So you don't say to him that he should not work but you ask him 'do your best to manage with this 800 [SDG]'. [...] If you see the cases, you should tell them to work. If they don't work they will die".<sup>378</sup>

Simultaneously, participant observation indicates that the communication between case workers and IRC members improved throughout the research period: IRC members increasingly sought to establish direct contact between case workers and IRC members during the IRC meetings, thereby allowing case workers to elaborate directly about any gaps or inconsistencies in the vulnerability assessments they submitted.<sup>379</sup>

## Skills

Case workers have a diverse range of educational backgrounds such as dentistry, environmental engineering, public health or diplomacy and participant observation suggests that they usually learned the relevant skills 'on the job'.<sup>380</sup> When being asked about personal experiences in the interaction with potential beneficiaries, one respondent, for instance, remarks:

"It is at first, from the very beginning, when I first came, like that's one of these things: we're not really prepared to be case workers. We thought of the ways we interview people, but there was no briefing of the effect of all the problems and everything that we are hearing and of healthy ways to separate ourselves from them and healthy ways to deal with them. That was not. You learned it along the way. [...] so with that I learned how to, through time, yeah, you learn how to cope and how to deal with them".<sup>381</sup>

<sup>377</sup> Transcripts, UNHCR Respondents 1, 3 and 4.

<sup>378</sup> Transcript, UNHCR Respondent 4. On the worth of the SDG amount at the time of research see Section 6.2.3.

<sup>379</sup> Field Note 1, 28–11–17. Also mentioned in Transcript, UNHCR Respondent 4.

<sup>380</sup> Field Note 2, 12–02–18.

<sup>381</sup> Transcript, UNHCR Respondent 3. Also mentioned in Transcript, UNHCR Respondent 2.



The respondent elaborates:

“[T]he first thing I realised is that when it comes to recruitment, let’s just start from the very beginning, the recruitment, the emphasis is on, of course it is very important the academic background, it is very important. But then, when you’re in this context where you’re serving people with needs, you should have this level of at least emotional intelligence where you are able to actually connect with the people. Like you could be someone who has no empathy, sympathy, whatsoever and then you’re dealing with people of concern, so this kind of person does not really serve the people. So when it comes to humanitarian workers I think one of the main things that was disappointing for me was the people, the quality of people who are actually in touch with, directly, with the persons of concern”.<sup>382</sup>

In addition, the same case worker observes: “The other thing is the weakness of managerial skills for those who are in managerial positions”.<sup>383</sup>

Participant observation reveals that, while a training on cash-based interventions and protection issues was being planned during the research period, this had not yet materialised by the end of my data collection.<sup>384</sup>

### Motivation

Case workers vary somewhat in their motivations for joining UNHCR. When asked about this motivation, one case worker, for instance, merely states pragmatically: “*Because before UNHCR I was working with IDPs and then after, when the operation closed I applied for UNHCR and got this job*”.<sup>385</sup>

Another case worker remarks upon the same question: “*UNHCR is a dream for me. [...] Peace. Maybe this is the main objective [for me]. That I need everyone to live in peace*”.<sup>386</sup> Another respondent asserts: “*I thought we’re saving the world*”.<sup>387</sup> Yet, both respondents also voice their disillusion in this respect.<sup>388</sup> The respondent whose dream it was to work for UNHCR holds (when asked whether UNHCR can realise this dream): “*We can say 30%. 30*”.<sup>389</sup> The other case worker asserts:

“Before it used to, with everything that I’m hearing, it used to, like I used to cry a lot, I used to, it used to get to me. But now I [...] separate myself from that. But before I used to put myself in their shoes basically. I used to be too empathetic that I am like taking everything in. Which was not healthy for me and not healthy for them because there is, because I will not be able to serve the people properly”.<sup>390</sup>

<sup>382</sup> Transcript, UNHCR Respondent 3.

<sup>383</sup> Transcript, UNHCR Respondent 3. Also mentioned in Field Note 3, 11–12–17.

<sup>384</sup> Field Note 1, 07–12–17; Field Note 1, 21–12–17.

<sup>385</sup> Transcript, UNHCR Respondent 1.

<sup>386</sup> Transcript, UNHCR Respondent 4.

<sup>387</sup> Transcript, UNHCR Respondent 3.

<sup>388</sup> Transcripts, UNHCR Respondents 3 and 4.

<sup>389</sup> Transcript, UNHCR Respondent 4.

<sup>390</sup> Transcript, UNHCR Respondent 3. Also mentioned in Transcript, UNHCR Respondent 2.

Participant observation suggests that case workers sometimes find it difficult to deal with their disillusion. From two field notes at two different occasions:

“After having spoken to a homeless beneficiary, the case worker tells me visibly agitated: ‘You know now why I am always holding my hands up and sigh? It is because of all these stories I hear. I also need social support’”.<sup>391</sup>

“The case worker is visibly frustrated by the difficulties involved in handing out cash assistance and the large number of beneficiaries requiring assistance. Remarks with a large sigh: ‘You know, the whole CBI situation is giving me headaches’”.<sup>392</sup>

What appears somewhat related to these motivations and disillusion is the fact that case workers sometimes collect money to assist persons who are not (yet) found eligible for basic assistance. From a field note: “*The case worker explains that they often give from their own pockets, especially for transport*”.<sup>393</sup> This practice could be observed in several instances during the research period; for example in instances where case workers consider the process of the vulnerability assessment as being too slow.<sup>394</sup> The practice is also known to at least one IRC member who, without having been asked about this, asserts:

“I know about many case workers who give money from their own pocket. I know that, I have also already done it. [...] But of course I make sure that nobody finds out about this [...] because it can obviously also bear a lot of risks”.<sup>395</sup>

### Time Pressure

Another issue which case workers mention as relevant for the implementation of the vulnerability assessment is the time pressure they experience. Three respondents and participant observation suggest that, due to time pressure, case workers sometimes provide late or less elaborate assessments (which increases the likelihood of a case being deferred or rejected).<sup>396</sup> One respondent explains (when discussing general challenges in the interaction with potential beneficiaries):

“[M]ost problem we are facing is that after you give them [beneficiaries] the ATM card you end up receiving [...] requests from a lot of them [asking] ‘please go and cash it for me’. So it is again more workload for us while we are counselling new cases”.<sup>397</sup>

<sup>391</sup> Field Note, 27–11–17.

<sup>392</sup> Field Note 1, 11–12–17.

<sup>393</sup> Field Note 3, 28–11–17. Also mentioned by another respondent in Field Note, 21–11–17.

<sup>394</sup> Field Note 3, 28–11–17 and Field Note, 05–03–18.

<sup>395</sup> Transcript, UNHCR Respondent 7.

<sup>396</sup> Transcript, UNHCR Respondent 1 and 5. Also mentioned in Transcript, UNHCR Respondent 4. Compare also Section 8.2.1. Also mentioned in Field Note 1, 16–11–17 and Field Note 3, 11–12–17.

<sup>397</sup> Transcript, UNHCR Respondent 5.

The following field note reveals additional reasons for the time pressure experienced by some respondents:

“Potential beneficiaries often seem to approach UNHCR uninformed or unprepared. As such, they would not have their registration number ready (which meant case workers had to spend more time searching for their file), approach UNHCR while they should have gone to the Sudanese government counterpart, are referred to the wrong case worker or approach UNHCR in vain since they had been instructed to wait for a call by the case worker. In addition, it seems like a large number of interactions simply results from potential beneficiaries having a new phone number that they want to share with UNHCR”.<sup>398</sup>

The case workers who mention the issue of time pressure also indicate that an online vulnerability assessment tool (the introduction of which was ongoing during the research period) could improve this situation. One respondent, for instance, remarks about this online assessment: *“The form itself is not very difficult. It doesn’t take a lot of time. Because with the online one you just tick”*.<sup>399</sup> Another case worker is similarly positive about the online assessment tool:

“I prefer the CBI [online assessment] because it reduces the time of the assessment instead of doing it on paper [...] So it will minimise the time spent on forms and paper and signature so for me it is very good”.<sup>400</sup>

Simultaneously, this online assessment did not (yet) work smoothly at the time of research and therefore led to delays in the assistance provision. From a field note:

“There often seem to be problems with the CBI Management Tool: people who are in the central registration system cannot be found in the CBI Management Tool and not all specific needs mentioned in the central registration system are available in the CBI Management Tool”.<sup>401</sup>

#### 8.3.6.2. IRC Members

##### Management and Coordination

As already mentioned above (Section 8.3.6.1), participant observation indicates that UNHCR’s organisational structure and culture in Khartoum is compartmentalised and hierarchical.<sup>402</sup> When asked about their experiences with UNHCR in general, three

<sup>398</sup> Field Note, 21–11–17. Also mentioned in Field Note 1, 19–11–17.

<sup>399</sup> Transcript, UNHCR Respondent 4.

<sup>400</sup> Transcript, UNHCR Respondent 1.

<sup>401</sup> Field Note 1, 19–11–17. Also mentioned in Field Note, 21–11–17.

<sup>402</sup> Field Note 2, 10–12–17, Field Note 1, 12–02–18 and Field Note 2, 12–02–18.

IRC members comment on the organisation's management and coordination.<sup>403</sup> One respondent, for instance, holds:

"[T]he system is way too slow, sorry, way too sluggish [...] and then I really have difficulties [...] not that I would be a rebel, but I have extreme difficulties with these hierarchies. [...] and there are many, many people, I know of many who are not satisfied, but they don't say anything because they fear to lose their employment".<sup>404</sup>

In addition, the respondent suggests: "In my opinion, case workers would have to get much more support from their own unit".<sup>405</sup> Another respondent asserts:

"I like the agency and I think there are a lot of great people working for it. But it is a UN agency, you know, [...] [everything takes a long time] and the bureaucracy and no, it is not ideal but I think we do quite a lot of good things".<sup>406</sup>

When asked about the terminology regarding the vulnerability assessment, another IRC member remarks:

"If you're establishing a small NGO, maybe you could brainstorm about this [terminology]. In UNHCR now it's called a vulnerability assessment as far as I'm informed. You could frame it differently, but probably there'll be people in headquarters thinking about such things instead of us".<sup>407</sup>

## Communication

Three IRC members comment on the communication with case workers in relation to the implementation of the vulnerability assessment.<sup>408</sup> When asked about the interaction with case workers, one IRC member holds: "*I think often people are also lost in translation in this office*".<sup>409</sup> However, the respondent also remarks:

"In the beginning when the committee was established I think the purpose wasn't clear and it was felt by the case workers like it was giving additional delays and asking questions to them for things that they should be the experts on and that we should not be questioning. [...] So at least now I think there is a good level of balance between understanding [the case workers] and, you know, respect for the committee, not just thinking it is something the management [...] put in place to formalise things".<sup>410</sup>

<sup>403</sup> Transcripts, UNHCR Respondents 7, 8 and 9.

<sup>404</sup> Transcript, UNHCR Respondent 7. Also mentioned in Field Note 1, 07–12–17, Field Note 1, 10–12–17 and Field Note, 25–03–18.

<sup>405</sup> Transcript, UNHCR Respondent 7.

<sup>406</sup> Transcript, UNHCR Respondent 9.

<sup>407</sup> Transcript, UNHCR Respondent 8.

<sup>408</sup> Transcripts, UNHCR Respondents 7, 8 and 9.

<sup>409</sup> Transcript, UNHCR Respondent 8.

<sup>410</sup> Transcript, UNHCR Respondent 8.

Another IRC member replies upon the same question:

“I don’t think they [case workers] pay too much attention to details so sometimes yes, it is not clear whether it is a he or a she or the age of the relative and that affects of course, I mean it’s a waste of time and you have to go back and forth”.<sup>411</sup>

Another IRC member asserts: “Sometimes the work [by case workers] is simply sloppy [...] sometimes I look at which case worker it is [who submitted the vulnerability assessment] and then I already know ‘ah, here I have to take a closer look’”.<sup>412</sup>

Yet, as mentioned above, participant observation also indicates that the communication between case workers and IRC members improved somewhat throughout the research period.<sup>413</sup>

## Skills

The level of skills and training among UNHCR staff is another issue that three IRC members consider relevant for the implementation of the vulnerability assessment. When discussing the need for a standardised approach one respondent, for instance, asserts:

“It [the vulnerability assessment] should include a clearer definition of what a woman at risk would represent or would mean and there should be some training I think on that issue because since the IRC consists of people that come from both Protection and Programme, you can’t expect [...] a budget manager to clearly understand what the different risk factors are for women in this country while with a little bit of training you can”.<sup>414</sup>

However, when discussing the extent to which the IRC encounters doubtful cases, another respondent remarks:

“I have to say so far it has always been quite straightforward. I was actually surprised, because it is not easy: you are actually deciding on the well-being of a family in that hour and a half that you discuss cases. But I felt it was quite straight-forward and whoever drafted these guidelines [...] did a good job”.<sup>415</sup>

## Motivation

IRC members vary somewhat in their motivations for joining UNHCR. One respondent, for instance, asserts upon the question why the respondent joined UNHCR:

“Because I really think everyone could be a refugee at some point. So that is probably the idea that brought me in and that really got me interested in this field of work. Forced

<sup>411</sup> Transcript, UNHCR Respondent 9.

<sup>412</sup> Transcript, UNHCR Respondent 7.

<sup>413</sup> Field Note 1, 28–11–17. Also mentioned in Transcript, UNHCR Respondent 4. See Section 8.3.6.1.

<sup>414</sup> Transcript, UNHCR Respondent 8. Also mentioned in Field Note 1, 07–12–17.

<sup>415</sup> Transcript, UNHCR Respondent 9.

migration I would say, not only refugees and asylum. I would rather think about forced migration, forced displacement, not forced migration. Because that is, I mean, just in the human nature, everybody moves and it just occurs that we are creating laws, and border and that is just against the human nature. So I really felt it made perfect sense for me to be involved in this. I really feel like it is a compelling, especially in our times, it's a compelling issue. And everybody should be engaging in this. No matter whether full time, part time, occasionally, it is something everybody should be involved in as human beings".<sup>416</sup>

Another respondent's motivation becomes apparent when discussing the IRC's decision-making process:

"But in part it is also emotional. You are so emotionally invested that you simply then, yes, that you then cannot be objective anymore. Well, you can obviously never take an objective decision anyway, but yes".<sup>417</sup>

The same respondent also asserts to know about the fact that case workers sometimes give money from their own pockets and admits to already have done so, as well.<sup>418</sup> Moreover, the respondent remarks that the large salary provides the wrong incentive for many people, especially from poorer countries, to start working for the UN since it means that *[t]he incentive to do this job is enormous, but only because of the money*".<sup>419</sup> The respondent elaborates:

"[P]eople are motivated to enter the system who don't think humanitarian or are committed in that way. I am not someone who says they have to give up their whole life, absolutely not, and they don't give up their life. But, anyway, I think in the humanitarian sector, the development sector, money should be the last incentive. [...] so I'm sorry, but they are sitting there and don't do anything. [...] so those are the things where I have to fight, fight in the sense of, [...] I think, 'ok, so you're simply doing this now above all to minimise the damage'".<sup>420</sup>

When asked about the motivation to join UNHCR, another IRC member asserts:

"I wanted something bigger to be able to learn more [...] And I think in Sudan you have everything. So for me it wasn't necessarily UNHCR but I found this job in UNHCR that was exactly what I was looking for. [...] It's not like I don't like the mission [of UNHCR] but it wasn't my childhood dream to be part of UNHCR. It's something that happened by coincidence".<sup>421</sup>

<sup>416</sup> Transcript, UNHCR Respondent 9. Also mentioned in Field Note 2, 04–02–18.

<sup>417</sup> Transcript, UNHCR Respondent 7.

<sup>418</sup> Transcript, UNHCR Respondent 7. See also Section 8.3.6.1.

<sup>419</sup> Transcript, UNHCR Respondent 7.

<sup>420</sup> Transcript, UNHCR Respondent 7.

<sup>421</sup> Transcript, UNHCR Respondent 8. See also Section 8.2.1.

## Staff Turnover

Throughout the research period the turnover among IRC members remained limited (with merely one additional member joining). Yet, when discussing the standardisation of the assessment, one IRC member asserts:

“So knowing that there will be turnover in the IRC members quite often, I think it is important to one, write it [all details regarding the vulnerability assessment] down in the SOPs [Standard Operating Procedures]. Just like you can, for medical conditions, say if it is A, B, C, D, it is automatically a condition which will prevent people from working, if it is D, E, F, it should be referred back to the medical officer for his decision and if it's G, D, blablabla, it is not something that prevents people from working so no need to support hem initially with cash unless you also look for other durable solutions. So for women at risk you could do the same I guess”.<sup>422</sup>

## 8.4. CONCLUDING REMARKS

This chapter presented the case study's findings regarding the implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum. Several limitations should be kept in mind, such as the variety in content and depth of the respondents' replies, the practical constraints upon the data collection and the fact that the data presented merely relates to a single policy in a very specific context. Nevertheless, the findings exhibit several tendencies that are relevant for answering this study's main research question.<sup>423</sup>

First, the findings indicate that case workers and IRC members tend to slightly favour rigidity above flexibility, are more concerned about feasibility than about comprehensiveness and prefer risking an under-inclusive (rather than an over-inclusive) assessment. Moreover, the findings reveal the importance of perception and performance dynamics in the interaction between case workers and beneficiaries. Second, the findings indicate respondents desire structural change but consider the assessment's contribution to such structural change as limited, are more focused on control rather than support measures and are somewhat divided about whether vulnerability is primarily about risks, needs, or both. In addition, all respondents are concerned about the potential dependency of beneficiaries and would like to encourage the beneficiaries' self-reliance. Third, respondents perceive a large variety of contextual constraints as relevant to their vulnerability-assessment-related work. Financial and resource constraints (and, somewhat related, the international community), the operational environment in Sudan and the organisational structure and culture appear particularly instructive for understanding the role of contextual constraints

<sup>422</sup> Transcript, UNHCR Respondent 8.

<sup>423</sup> On limitations compare also Section 4.5. On the number of respondents see, specifically, 'A Note on the Number of Respondents' in Section 4.3.5.

for the implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum.

The next chapter reflects upon the case study's findings in light of the study's main research interest on the transformative potential of a vulnerability focus in basic assistance policies. To what extent can the findings in the previous chapters directly contribute to, or provide inspiration for, the mitigation of stigmatisation and stereotyping and the facilitation of socio-economic participation?



## CHAPTER 9

# THE TRANSFORMATIVE POTENTIAL OF A VULNERABILITY FOCUS IN CASE STUDY 1

The previous chapters (Chapters 6–8) presented the case study's findings regarding the design and implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum. This chapter reviews these findings in light of the two normative-theoretical dimensions of the vulnerability notion's transformative potential outlined in Chapter 2. The discussion focuses on the findings in light of the framework outlined in Chapters 2 and 3 without making extensive use of other possibly relevant literature.<sup>424</sup> This choice was made in order to stay focused on this study's main research interest in the *normative evaluation* of the policy practice and in understanding the *practical feasibility* of what is viewed as normatively desirable.<sup>425</sup>

The chapter first reflects upon the transformative potential of the vulnerability focus in UNHCR Khartoum's basic assistance policy for mitigating stigmatisation and stereotyping (9.1). The chapter then evaluates the case study's transformative potential for facilitating socio-economic participation (9.2). Subsequently, the chapter places this analysis in the broader context of the contextual constraints that appear relevant for what is deemed feasible in the design and implementation of the assessment at UNHCR Khartoum (9.3). This is followed by a short summary in the form of concluding remarks (9.4). The chapter does not discuss all findings presented in the previous chapter but limits itself to those that appear most relevant for answering the present study's main research question. Interview quotes from the previous two chapters are sometimes used as examples to illustrate a certain point.

Before embarking upon this discussion, a few general limitations of this case study should be remembered.<sup>426</sup> First, the number of respondents was limited to the persons involved in the specific assessment under investigation. This means that the respondents' individual opinions weigh heavily in the analysis, especially where the design of the vulnerability assessment is concerned. Moreover, some respondents were more committed to contributing to the research than others which means that their replies are sometimes more prominently reflected in the findings. Yet, the findings are insightful since I interviewed the persons that were most directly

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<sup>424</sup> However, some references to literature on similar findings to what emerged in this case study are included in the footnotes.

<sup>425</sup> Compare Sections 1.5 and 1.6.

<sup>426</sup> On limitations compare also Section 4.5.

involved in the design and implementation of the vulnerability assessment and the number of respondents is therefore thought to have been sufficient to achieve saturation.<sup>427</sup> Second, it is important to keep in mind the different background of respondents in terms of gender, nationality, personal values, number of years in the organisation or in the humanitarian sector as well as their specific tasks regarding the basic assistance policy. These elements might explain possible differences in the respondents' replies. It is my impression that, in the present case, personal values and nationality appear to be the most important factors in this respect.<sup>428</sup> Third, the study was exploratory and could therefore not cover all issues in equal depth. The goal of this inquiry was to develop propositions on the basis of sequential rather than comparative insights.<sup>429</sup> The findings therefore remain mere indications from a single case and it is only in the final discussion (Chapter 14) that the study highlights some similarities and differences between both case studies (without attempting to formally compare them).

## 9.1. MITIGATING STIGMATISATION AND STEREOTYPING

This section outlines why I think that the findings in this case study more prominently reflect the bureaucratic model of administrative justice and therefore remain limited in their transformative potential for mitigating stigmatisation and stereotyping. To recall, this study understands the bureaucratic model as linked to organisation-oriented values and therefore as characterised by aspects such as 1) rules-based decision-making in which flexibility is minimised since the acceptability of the decision is evaluated in terms of accuracy (rigidity), 2) efficiency-driven interaction with beneficiaries (feasibility) and 3) a focus on accuracy and organisation-oriented values that is, for instance, reflected in concerns about fraud among beneficiaries or over-inclusive vulnerability criteria (thereby risking under-inclusiveness).<sup>430</sup>

To underline my argument that the present case reflects the bureaucratic, rather than the professional, model of administrative justice, the next sections (9.1.1 – 9.1.3) highlight the prominence of rigidity, feasibility and a preference for risking under-inclusiveness in the findings before Section 9.1.4 focuses on stigmatisation and stereotyping in the interactions between case workers and potential beneficiaries at UNHCR Khartoum. Lastly, this section ends with a final note and policy recommendations on the transformative potential of this case study's vulnerability focus for the mitigation of stigmatisation and stereotyping (9.1.5).

<sup>427</sup> On the number of respondents see, specifically, 'A Note on the Number of Respondents' in Section 4.3.5.

<sup>428</sup> However, this was not the focus of the present analysis. Hence, more research would be required to substantiate this impression.

<sup>429</sup> On limitations with regard to comparing the two case studies see Section 4.5.5.

<sup>430</sup> Compare also Chapter 3.

### 9.1.1. RIGIDITY OR FLEXIBILITY?

Although the findings also exhibit some preference for flexibility, rigidity appears to be more prominent both in the design and in the implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum. This section explains on what basis I drew this conclusion.

Two respondents involved in the vulnerability assessment design who mention procedural dilemmas lean towards preferring a vulnerability assessment that is rigid. Those respondents who favour such a rigid approach mention reasons that appear to reflect a preference for accuracy, e.g. by emphasising a need to be objective and impartial. Of the four respondents, one respondent does not hold a strong opinion on this matter and one respondent could not be asked about the issue. However, participant observation reveals that the two respondents who had a strong opinion in favour of rigidity were also the two respondents who had the most direct and prominent impact upon the assessment design. Hence, rigidity played a prominent role for the design of the assessment.

Moreover, rigidity is also reflected in the vulnerability assessment design itself. As such, a review of earlier versions of the assessment, for instance, revealed that the vulnerability criteria of the assessment have become increasingly rigid – e.g. through increasingly detailed definitions – over the years. In addition, the assessment is subjected to increasing monitoring, evaluation and review. Other examples of rigidity in the design of the vulnerability assessment at UNHCR Khartoum include meticulous Draft Standard Operating Procedures and very detailed definitions for each vulnerability criterion as well as a lack of flexibility in the amount of assistance and in the number of months for which assistance is provided.

Yet, the findings also indicate that there remains some flexibility in the design of the vulnerability assessment for basic assistance at UNHCR Khartoum. Case workers are, for instance, free to decide which questions to ask and how to conduct the vulnerability assessment and IRC members can interpret the guidelines and definitions provided by the vulnerability assessment design as they see fit.

However, even the case workers and IRC members themselves tend to favour rigidity over flexibility. Four of the five case workers comment on the issue (with two of them emphasising rigidity and two suggesting a need for more flexibility). Three of the four IRC members prefer maximum rigidity for the vulnerability assessment procedure. One IRC member, for instance, explains:

“It should be as standardised as possible. To make sure that people are getting what they are entitled to. You can’t have me sitting in the IRC today and being very open to saying ‘oh, but you know it’s true, to new arrivals, life is very tough’ so let’s just sign off and then tomorrow you’re the member and then you say ‘no, new arrival is not part of the criteria so I cannot sign off on that’ because then you get case workers saying ‘oh, you know what, next week [X] is the member again, so let me hold these forms back and present them to the IRC again next week when [X] is a member’”.<sup>431</sup>

<sup>431</sup> Transcript, UNHCR Respondent 8. See also Interview Notes, UNHCR Respondent 10.

The desire for rigidity is also reflected in the suggestion by two case workers to align the vulnerability assessment with the Specific Needs Codes. Similarly, a preference for rigidity appears to underlie the IRC member's concern about controversial criteria like 'woman at risk' and 'Survivors of SGBV' and the IRC members' discussions of what should count as medical report and as medical condition under the criterion 'Persons with serious health condition'.

Thus, on the basis of these findings and my general impressions from participant observation, the preference for rigidity appears to be more dominant than a desire for flexibility in the vulnerability assessment for basic assistance at UNHCR Khartoum at the time of research. This suggests a more close alignment with the bureaucratic model, rather than the professional model, of administrative justice. As already mentioned in Chapters 2 and 3, the bureaucratic model's focus on rigidity can result in stigmatisation and stereotyping because it limits the room for nuance and attention to the unique circumstances of the individual beneficiary. This suggests that the vulnerability-focused basic assistance policy investigated in this case study might be limited in its potential to mitigate stigmatisation and stereotyping in relation to this first procedural dilemma.

### 9.1.2. FEASIBILITY OR COMPREHENSIVENESS?

Feasibility, rather than comprehensiveness, appears to be a more prominent preference in this case study – both in the design and in the implementation of the vulnerability assessment. This section explains why I arrived at this conclusion.

All respondents involved in the design of the vulnerability assessment emphasise that it is more important to design a feasible rather than a comprehensive assessment. The respondents mention time and resource constraints and the impossibility of knowing every possible situation as reasons for this preference. With these feasibility arguments one respondent also justifies why the assessment design leaves some room for flexibility despite the fact that maximum rigidity would be preferred:

“The thing is, if you make the assessment, the more questions you include, the more you can create an incentive for the case worker to not fill them in. Unfortunately. So you want a simple system. But the simpler the system, the more difficult it is to take a decision. So you have to somehow have a mixture”.<sup>432</sup>

This preference for feasibility is also reflected in the vulnerability assessment design itself which seeks to categorise potential beneficiaries on the basis of different vulnerable groups and leaves limited room for contextuality, nuance or the specifics of an individual beneficiary's case. The Draft Standard Operating Procedures for the vulnerability-focused basic assistance policy, for instance, indicate that “social workers

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<sup>432</sup> Transcript, UNHCR Respondent 7.

can choose all of them [the vulnerability criteria], but should decide at the end which one is more relevant and only one category should be applied”.<sup>433</sup>

At the implementation level, none of the case workers directly comment on the desirability of feasibility or comprehensiveness with regard to the vulnerability assessment design itself. However, four case workers appear to think that a more comprehensive assessment is more likely to be approved by the IRC. Nevertheless, they do not necessarily opt for comprehensiveness when conducting the assessment. Two case workers mention that, due to a high workload, they cannot be as detailed as they might otherwise be. This indicates a possible reason for why at least some case workers, in practice, opt for what is perceived as feasible. All IRC members who comment on this issue (three of the four respondents) prefer a comprehensive assessment but, similarly to some case workers, find that, due to time and resource constraints, this is not realistic. One respondent, for instance, remarks:

“Ideally you look at the individual, but resources are limited and I think there is no state in the world that has the money to look at each individual by having a full, comprehensive assessment of all the vulnerabilities or the histories. It’s done for certain people because of their needs but nowhere in the world would there ever be enough resources to have a comprehensive assessment just like you have a passport where we say this is your date of birth and this is your photo. You could not have a document for each person saying these are all of your vulnerabilities at this level. It would be better but, you know, there should be something to dream of”.<sup>434</sup>

These findings suggest that, while most respondents recognise the desirability of comprehensiveness when it comes to assessing a beneficiary’s vulnerability, (perceived) time and resource constraints lead them to opt for feasibility instead. It should be noted that this practice on the ground seems to somewhat contradict UNHCR headquarters’ Urban Refugee Strategy which asserts that UNHCR is not necessarily aiming for a uniform approach but desires to tailor its work “to the specific circumstances, capabilities and vulnerabilities of different groups, households and individuals within the refugee population” (see Section 6.3.2).<sup>435</sup> The choice for feasibility, rather than comprehensiveness, in the vulnerability-focused basic assistance policy investigated in the present case study can be interpreted as an indication of efficiency concerns and a focus on the smooth field-level operation of the organisation. These concerns risk overshadowing a willingness to achieve the best for each individual client. This more closely reflects the bureaucratic, rather than the professional, model of administrative justice. As already mentioned in Chapter 3, a less comprehensive assessment is more likely to overgeneralise and to therefore have a stigmatising or stereotyping effect upon potential beneficiaries. This is a further indication that the present case offers limited starting points for the mitigation of stigmatisation and stereotyping in relation to this second procedural dilemma.

<sup>433</sup> UNHCR (March 2017), Annex 1a. Compare Section 7.1.2.

<sup>434</sup> Transcript, UNHCR Respondent 8.

<sup>435</sup> UNHCR (September 2009) 7.

### 9.1.3. RISKING UNDER- OR OVER-INCLUSIVENESS?

The findings suggest that the preference for risking an under-inclusive vulnerability assessment is more prominent than the preference for risking an over-inclusive assessment with regard to the vulnerability-focused basic assistance provision at UNHCR Khartoum. This section seeks to substantiate how I arrived at this conclusion.

It is difficult to establish a clear line on this issue among the respondents involved in the design of the assessment: one respondent did not comment on the issue, one respondent does not have a clear opinion, one respondent is aware of both risks and one respondent is more concerned about over-inclusiveness (i.e. preferring to risk under-inclusiveness). Respondents involved in the design of the vulnerability assessment generally emphasise the need to interpret the vulnerability criteria narrowly. Moreover, two of the four respondents link their (partial) preference for under-inclusiveness to a (perceived) risk of fraud among beneficiaries and mention to be concerned about a potential ‘pull effect’. One respondent, for instance, remarks:

“I am very honestly more concerned about cases which exploit the system and then somehow spread this and then achieve this pull effect that other people come. Just now for instance woman at risk. These things almost make me more concerned, and when you look that it actually only are, well less than 1% which we reject [at the IRC]. So really very very few”.<sup>436</sup>

As regards the design of the vulnerability assessment itself, the level of detail for the definition of each vulnerability criterion and therefore the potential scope of each criterion varies. Nevertheless, a preference for risking under-inclusiveness is reflected in the vulnerability assessment design itself which does, for instance, not envisage any review for the cases that case workers reject but only for those they consider eligible. Additionally, a preference for risking under-inclusiveness becomes apparent in the strict baseline criteria (having to be a refugee or asylum seeker, not being assisted by RCS and being registered in UNHCR’s database) and in the fact that some potential beneficiaries (South Sudanese refugees and asylum seekers) are excluded *prima facie* on the basis of their nationality.

Regarding the implementation phase of the vulnerability assessment, all case workers who comment on this issue (four out of five respondents) prefer risking an under-inclusive assessment and justify this view with their experiences with cheating or lying beneficiaries. Yet, three case workers are lenient when deciding between overlapping criteria (i.e. choosing the one with the largest number of months) and two case workers are concerned that the way in which the open category is currently used does not sufficiently mitigate the risk of under-inclusiveness. One respondent, for instance, remarks:

“Of course some [beneficiaries] know the criteria. So they may tell fake stories, especially about SGBV. Often harassment is in place but some tell fake stories. You do your best [...] to

<sup>436</sup> Transcript, UNHCR Respondent 7.

detect whether it is true but when they manage to tell the story the same way all the time it is difficult to detect”.<sup>437</sup>

Nevertheless, case workers note several additional categories of vulnerable beneficiaries that should be added to the assessment (compare Section 8.1.2.2) and sometimes provide money from their own pockets – both indications that, at least in some instances, they try to mitigate a perceived under-inclusiveness of the assessment.

IRC members are divided between perceiving either the risk of over- or under-inclusiveness as worse. All IRC members acknowledge both risks, but one respondent prefers to risk over-inclusiveness while the other three respondents appear to prefer risking under-inclusiveness. Two of the respondents who prefer risking under-inclusiveness again mention a (perceived) risk of fraud among beneficiaries. While IRC members tend to be somewhat lenient in choosing the vulnerability criterion that provides the largest number of months of assistance, they are restrictive when it comes to the interpretation of controversial or, in their perception, overly broad vulnerability criteria such as the criteria ‘woman at risk’ and ‘persons with a serious medical condition’. Moreover, IRC members do generally not consider it necessary to include additional vulnerability criteria in the assessment and oppose some of the propositions by case workers. Two IRC members, in particular, argue for a more narrow approach.

The implementation practice also indicates a preference for risking under-inclusiveness. At the time of research, for instance, active outreach to potential beneficiaries remained limited which likely heightened the access barrier and risks to neglect the most vulnerable (who lack the necessary information or who might be physically and/or financially unable to come to UNHCR). Moreover, although IRC members tend to defer cases rather than reject them and assert to be looking for the best possible outcome for the beneficiary, the deferred cases often become *de facto* rejections because the case workers seldom resubmit these deferred cases to the IRC.

Overall, the present case therefore exhibits a preference for risking under- rather than over-inclusiveness. What is particularly remarkable in the respondents’ justifications is that both case workers and IRC members who prefer risking under-inclusiveness mention the risk of potential fraud among beneficiaries. The data in the present case is too limited to establish whether or not there is an actual risk of such fraud at UNHCR Khartoum. However, the findings do indicate that respondents’ scepticism about the genuineness of claims contributes to their preference for high selectivity even if this means that their flexibility becomes more limited. This seems more closely aligned with the bureaucratic, rather than the professional, model of administrative justice because it reveals a concern for accuracy and a general focus on organisational rather than client-cantered goals. As mentioned in Chapter 3, this is potentially problematic for the mitigation of stigmatisation and stereotyping because a preference for under-inclusiveness bears the risk of blurred perceptions about the most vulnerable and the potential underlying problems of any such vulnerability. Hence, the

<sup>437</sup> Transcript, UNHCR Respondent 1.

potential for mitigating stigmatisation and stereotyping also appears to remain limited with regard to this third procedural dilemma.

#### 9.1.4. INTERPERSONAL DYNAMICS IN THE CASE WORKER-BENEFICIARY INTERACTION

The above sections indicate that – due to a more prominent emphasis on rigidity, a tendency to favour feasibility and a preference for risking under-inclusiveness – the bureaucratic model of administrative justice is more prominent than the professional model of administrative justice in the present case. However, the prominence of the bureaucratic model in the present case is not absolute and the previous sections sought to indicate supporting as well as diverging tendencies in this respect. On the basis of this argumentation, this section discusses what the bureaucratic model tendencies in the present case imply for stigmatisation and stereotyping and why I consider this approach to be limited in its transformative potential.

For this purpose, I focus on the interpersonal dynamics between case workers and beneficiaries which emerge in the present case. I distinguish between perception dynamics (mutual perceptions about identity or other personal characteristics) and performance dynamics (the framework characteristics of the interaction that shape how beneficiaries perform their vulnerability). I do this because the findings suggest that case workers do not simply apply categories and classify beneficiaries in a mechanical way (as is assumed by traditional bureaucratic ideals). Instead, this classification entails a human interaction and, as such, the findings indicate that there are a variety of stereotypes at play *before* a beneficiary is even classified on the basis of the vulnerability criteria.

##### 9.1.4.1. *Perception*

Case workers at UNHCR Khartoum mention several perception dynamics that can influence their interaction with potential beneficiaries. The most prominent perceptions that are mentioned by case workers are related to mutual perceptions on the basis of gender and on the basis of race, nationality and/or culture.

As regards gender, several case workers suggest that female beneficiaries prefer speaking to female case workers while respondents simultaneously hold that no such preference exists among male beneficiaries. Regarding race, nationality and/or culture, several case workers point out that potential beneficiaries consider white UNHCR employees as having a higher position within the organisation and therefore as being more likely to be able to assist them. Simultaneously, some case workers hold that some potential beneficiaries feel more comfortable and therefore more willing to share their issues if the case worker is familiar with or even shares their culture. One case worker,



for instance, remarks: “*I think they want to tell [X] more about their problems than me, because they have a better connection to [X] and because [X] is more local than me*”.<sup>438</sup>

In addition to these dynamics on the side of potential beneficiaries, the findings also indicate that case workers themselves are susceptible to similar biases. As such, at least one case worker considers women as being more vulnerable or more severely in need of assistance than men – thereby adopting a harsher attitude towards male beneficiaries. That respondent, for instance, asserts:

“I have extra empathy for females, single mothers, pregnant women. Yes, extra, like I’m extra empathetic with them so yeah, if it comes to males, if they tell me ‘oh I cannot work, give me financial assistance’ I actually tell him ‘no, like, you’re a man’. I literally tell them that. ‘No, you’re a man, you can work, you have both of your arms and legs so go ahead and work. No, you don’t qualify, I’m sorry’. So yeah, I’m tougher on the men”.<sup>439</sup>

Moreover, at least two case workers generalise about the characteristics of potential beneficiaries on the basis of their nationality – for instance by comparing a potential beneficiary’s situation with what they perceive as the general situation of people who share the same nationality or by making assumptions about the potential beneficiary’s character and/or situation on the basis of their nationality.

In addition to these identity-related perceptions, two other, more personality-related, dynamics are mentioned by respondents in the present case: assertiveness and empathy. While some case workers consider assertiveness as an indication of *less* vulnerability, others appear to consider assertive potential beneficiaries as *more* vulnerable. One respondent, for instance, holds:

“Those who are running into bad behaviour are more vulnerable. Why? Because they have convincing thing from inside and they need to tell it. Yes, these are the features in terms of distinguishing between different vulnerabilities”.<sup>440</sup>

The way in which case workers perceive assertiveness appears closely related to the way in which they empathise with potential beneficiaries. Indeed, at least one respondent in the present study considers empathy to be a crucial trait of case workers. That respondent, for instance, remarks:

“Empathy. Empathy is a must have for a case worker. You have to have empathy the you have to have a high level of emotional intelligence to know when to do, when to, basically, stop, when to sympathise and if you feel like they’re becoming too attached or too dependent on the entity then you know how to bring their expectation down to the level where you’re like ‘no, you’re on your own’”.<sup>441</sup>

<sup>438</sup> Transcript, UNHCR Respondent 2.

<sup>439</sup> Transcript, UNHCR Respondent 3.

<sup>440</sup> Transcript, UNHCR Respondent 1. Also mentioned in Field Note 3, 13–02–18.

<sup>441</sup> Transcript, UNHCR Respondent 3.

The findings generally indicate different levels of empathy among case workers. Due to the limited amount of respondents, these findings are mere indications and further research (which should include the beneficiaries' own perceptions) would be useful to establish a more comprehensive picture of these, and possibly, other, perception dynamics. Yet, from an administrative justice perspective the mere existence of these dynamics is important to note because it can compromise the accuracy of the case worker's decision-making – and therefore the central acceptability criterion of decision-making in the bureaucratic model of administrative justice. I find this to be the case for at least three reasons, namely because the perceptions 1) remain invisible, 2) can prime case workers and 3) can shape the interaction.

First, all these perceptions occur at the case worker level and are therefore beyond the awareness of the IRC members. This becomes an all the more important issue in light of the fact that at least some case workers appear to already assess the vulnerability of the potential beneficiary informally at first sight before conducting the formal assessment. Second, the perceptions can have an impact on the way in which case workers formally assess the vulnerability of a potential beneficiary by *a priori* perceiving potential beneficiaries who are women or who hold a certain nationality as more vulnerable. Third, the abovementioned (and possibly other, unidentified) perceptions are likely to influence the way in which potential beneficiaries express their issue and therefore perform their vulnerability towards the case worker.<sup>442</sup> This can result in these perceptions being unknowingly included in who is found to be vulnerable and therefore eligible for assistance.

Moreover, the fact that character traits such as empathy, assertiveness and/or aggression might influence the interaction between case workers and potential beneficiaries is particularly noteworthy: potential beneficiaries who are refugees are frequently suffering from traumatic experiences and can therefore have difficulties to act as would be expected of a vulnerable beneficiary.<sup>443</sup> Indeed, attention to a beneficiary's mental state might be crucial for the assessment of eligibility since stress, mental strain and feelings of scarcity and poverty can have an effect on the extent to which a person is able to formulate goals for the future, to focus on these and to work towards them.<sup>444</sup> To improve the accuracy of an assessment, it might thus be necessary for case workers to pay particular attention to the subtle differences in mental states and abilities to perform in accordance with the assistance provider's requirements.

All of these perceptions can foster stigmatisation and stereotyping but, due to the rigidity of the bureaucratic model, their role in the interaction between case worker

<sup>442</sup> Compare, e.g. Lipsky (1980/2010) 61; Ticktin (2011) 107.

<sup>443</sup> See, e.g., Ilse Derluyn, Cindy Mels and Eric Broekaert, 'Mental Health Problems in Separated Refugee Adolescents' [2009] 44(3) *Journal of Adolescent Health* 291–297; Hans Rohlof, *Psychodiagnostic Assessment with Refugees: Studies on the Cultural Formulation Interview and Somatization* (PhD Thesis, Utrecht University 2018) 12–18. Compare also Lipsky (1980/2010) 66.

<sup>444</sup> Wetenschappelijke Raad voor het Regeringsbeleid, *Weten is nog geen doen: Een realistisch perspectief op redzaamheid* (Den Haag: Wetenschappelijke Raad voor het Regeringsbeleid, 2017) 101–102. See also Flegar (2017) and Flegar (2019a).

and beneficiary tends to remain unaddressed or even hidden to both case workers and potential beneficiaries. This aggravates the issue because, that way, stigmatisation and stereotyping might not only be identity-producing but also end up having direct material effects by influencing who will be considered vulnerable and therefore eligible for assistance.

#### 9.1.4.2. *Performance*

While the above-described perceptions are subtle and might shape the interaction between case workers and potential beneficiaries primarily subconsciously, the findings also indicate that case workers actively shape this interaction. This issue relates to the communicative aspects that emerge as influential for shaping the depth and structure of the interaction. In the present case, the two most apparent influences in this respect are: 1) the questions a case worker asks the potential beneficiary and 2) language barriers. These (and possibly other) aspects can shape what potential beneficiaries perceive as being expected of them.<sup>445</sup> This, in turn, can influence how potential beneficiaries perform their vulnerability and perceive themselves.

The findings reveal that case workers are free to decide which questions they ask potential beneficiaries in order to assess a person's vulnerability. Yet, case workers tend to adhere to rather strict and standardised sets of questions. The findings indicate that these questions are usually closely related to what they perceive as directly relevant for the vulnerability assessment (e.g. living situation, income or health status). I find this to be relevant for considerations about the mitigation of stigmatisation and stereotyping because the questions guide potential beneficiaries into presenting themselves and their vulnerability along the lines of what is recognised by the assessment. This means that issues that are not directly linked to the vulnerability assessment (but which might still be important for understanding a beneficiary's vulnerability) can remain hidden. This is particularly likely to be the case if beneficiaries are unable or unwilling to directly answer these questions due to, for instance, fear or trauma.

In addition, the findings indicate that language barriers and interpreters can impact the interaction between case workers and potential beneficiaries. While case workers hold that language barriers usually do not influence their eligibility decision as such, respondents concede that such barriers can impede the communication. One case worker, for instance, remarks:

"I like it when they can talk in Arabic, I feel the sense of ease where I can verify the question by myself. Because sometimes it would be different and takes longer time for them to get the information, the proper information from them translated back to me. So. And sometimes even before they translate I would be like nonono, ask this, she did not properly answer. So yeah, I actually rather not have an interpreter".<sup>446</sup>

<sup>445</sup> Compare also, e.g., Lipsky (1980/2010) 59.

<sup>446</sup> Transcript, UNHCR Respondent 3.

This is important for considerations about stigmatisation and stereotyping because language can shape the way in which potential beneficiaries are able to perform their vulnerability and, since case workers and interpreters deal with and interpret issues in different ways, provides additional room for assumptions and generalisations.

Both the questions being asked and language barriers frame the interaction between case worker and potential beneficiary and require potential beneficiaries to present themselves in accordance with what is expected of them.<sup>447</sup> This bears the risk of stigmatisation and stereotyping for at least two reasons: 1) the situation of potential beneficiaries who are unable to perform their vulnerability in the way that is expected of them might be misinterpreted and 2) case workers essentially teach potential beneficiaries how to behave and thereby construct a client identity.<sup>448</sup> This can be problematic since it means that a particular identity (often one that implies some form of victimhood) thereby becomes imprinted upon the beneficiary. Ticktin, for instance, also detects these dynamics in her study on assistance providers to undocumented migrants: these assistance providers appear to be pushing their clients to present themselves in ways that allow for the identification of clear vulnerability indicators.<sup>449</sup>

Moreover, these interpersonal dynamics can, once again, also have material effects since not all potential beneficiaries might be equally able to present themselves in accordance with what is expected of them. Brown, for instance, suggests, individuals behaving “in line with common conceptions of ‘vulnerability’ may be more likely to be accepted as ‘worthy’ of welfare than those who do not”.<sup>450</sup> Hence, these two interpersonal dynamics between potential beneficiaries and case workers are relevant not only from the perspective of stigmatisation and stereotyping but also because it can influence whether or not they are found eligible for assistance. From an administrative justice perspective this is problematic because it can compromise the accuracy that would be required for the acceptability of an assessment in the bureaucratic model of administrative justice.

### 9.1.5. FINAL NOTE AND POLICY RECOMMENDATION

The findings with regard to the transformative potential for the mitigation of stigmatisation and stereotyping in this case study are mere indications. They centre on the specific policy of providing vulnerability-focused basic assistance at the specific location of UNHCR Khartoum at a specific point in time.<sup>451</sup> Hence, further research in different contexts would be desirable to substantiate the above arguments on a larger scale.

<sup>447</sup> Compare, e.g., Lipsky (1980/2010) 59–61; Ticktin (2011), 104–111.

<sup>448</sup> Compare also, e.g., Lipsky (1980/2010) 60, 108, 111.

<sup>449</sup> Ticktin (2011) 2.

<sup>450</sup> Brown (2013), 67–70, 76. Compare also Brown (2017), 673.

<sup>451</sup> On these and other limitations see also Sections 4.1.2, 4.3.5 (‘A Note on the Number of Respondents’) and 4.5.

Nevertheless, one particularly relevant indication from this case study could be that the caveat for the transformative potential of vulnerability with regard to the mitigation of stigmatisation and stereotyping might not necessarily be that the bureaucratic model of administrative justice is followed as such. Instead, the key consideration might be the fact that, in the present case, this preference for the bureaucratic model seems to rely on the assumption that more rigidity leads to better results in terms of accuracy. This rigidity, however, hides rather than addresses potential stigmatisation and stereotyping: as the present case suggests, such bureaucratic formalism tends to disregard and paper over the perception and performance dynamics at play in the interaction between case worker and potential beneficiary. This can compromise the accuracy, and therefore the acceptability, of the assessment. It is for these reasons that I find the case study's vulnerability focus to be limited in its transformative potential for the mitigation of stigmatisation and stereotyping.

The assessment could be brought at least one small step closer in line with mitigating stigmatisation and stereotyping despite the dominant bureaucratic model of administrative justice and the preference for rigidity if:

- 1) Awareness were to be raised among case workers for the likelihood of stigmatisation and stereotyping due to the perception and performance dynamics in the interaction with potential beneficiaries. This could, for instance, be done through trainings and discussions about this issue and the role these perception and performance dynamics can play in the case workers' interaction with potential beneficiaries.
- 2) Room were to be given to potential beneficiaries to tell their story on their own accounts rather than by merely asking questions that are strictly relevant to the vulnerability assessment. This also requires the use of qualified interpreters and should avoid reliance on other persons who coincidentally speak the relevant languages.

Not only could these measures improve the accuracy of the assessment, they can also help potential beneficiaries to feel at ease, to calm down and to build trust. All of this can contribute to acknowledging potential beneficiaries as fellow human beings. This way, potential beneficiaries might be less likely to be viewed, and might therefore also be less likely to view themselves, as powerless victims or mere aid recipients. This can mitigate stigmatisation and stereotyping as well as the related accuracy-compromising material effects of the vulnerability assessment.<sup>452</sup>

Other, smaller, desirable measures that are even more closely in line with the already existing policy and would be likely to improve the accuracy of the assessment could be: 1) to pay more attention to the potential beneficiaries who are rejected by case workers without any review by the IRC and 2) to more closely follow-up on deferred cases so as to ensure their actual resubmission. While these measures are not directly addressing stigmatisation

<sup>452</sup> Compare Sections 2.2.1 and 2.3.1.

and stereotyping, they can, at least, mitigate some of the undesirable material effects that can result from the unrecognised interpersonal dynamics in the interaction between case workers and potential beneficiaries. Hence, even if the bureaucratic model of administrative justice remains in place in the present case, there are simple steps that could be taken for the assessment to mitigate stigmatisation and stereotyping. Despite the prominence of the bureaucratic model, the case therefore exhibits a number of practical lessons on the transformative potential of vulnerability for substantive equality.

## 9.2. FACILITATING SOCIO-ECONOMIC PARTICIPATION

This section elaborates on the present case study's transformative potential for facilitating socio-economic participation. The section outlines how the design and implementation of the vulnerability-focused basic assistance policy investigated in this case study more prominently reflects a responsabilisation rationale and therefore remains limited in its potential for facilitating socio-economic participation. To recapitulate, I understand responsabilisation-focused activation as linked to 1) a preference for short-term relief, 2) a preference for control and 3) a focus on material needs.<sup>453</sup>

To explain why I draw the conclusion that UNHCR Khartoum's vulnerability-focused basic assistance policy at the time of research remains limited in its potential for facilitating socio-economic participation, I therefore highlight how the case study's findings reflect these three aspects (9.2.1 – 9.2.3) before Section 9.2.4 focuses on the activation ideal but responsabilization-oriented practice that emerges in the present case. Lastly, this section ends with a final note and policy recommendations on the transformative potential of this case study's vulnerability focus for the facilitation of socio-economic participation (9.2.5).

### 9.2.1. SHORT-TERM RELIEF AND/OR STRUCTURAL CHANGE?

The findings suggest that, while respondents exhibit a strong desire to work towards structural change, the vulnerability-focused basic assistance policy concentrates exclusively on short-term relief. This section substantiates this conclusion.

Two of the three respondents involved in the design of the vulnerability assessment and commenting on this issue desire structural change. One of these respondents defines this structural change in very limited terms (i.e. as providing assistance for several months instead of only for one month). The other respondent is generally pessimistic about the possibilities for structural change and remarks:

"I think for this [structural change] in part the resources are missing and maybe in part also the commitment. It is then absolutely not long-term, it is changing so quickly. So I think

<sup>453</sup> Compare Chapter 3.

because of that, one has to, in fact, always look – even if you are conscious of the fact that this might not be the best solution – for the best solution for the moment”.<sup>454</sup>

The design of the vulnerability assessment itself does not appear to entail any measure that could be interpreted as contributing to structural change. Indeed, as already mentioned in Section 6.2.1, the primary objective of the basic assistance policy at the time of research was to provide a “[t]emporary emergency safety net to address basic needs of PoC [persons of concern], who are enrolled in UNHCR’s individual case management”.<sup>455</sup> This was intended to result in the targeted “[p]opulation ha[ving] sufficient basic and domestic items”.<sup>456</sup>

Respondents involved in the implementation of the vulnerability-focused basic assistance policy are concerned about structural change but do not consider the policy to contribute to such structural change. The findings indicate that all case workers tend to favour structural change and hold that, whenever the budget and circumstances allow, UNHCR should work towards such structural change. However, case workers do generally not see it as their task to work towards structural change. Additionally, three of the four IRC members comment on this issue and view UNHCR as an agency primarily tasked with short-term relief. Yet, they simultaneously assert that the long-term impact should not be neglected and that structural change is most desirable. In this respect, two respondents specifically underline the role of advocacy efforts. The daily work of the policy implementers does not exhibit any measures or activities that could be interpreted as contributing to structural change.

Overall, the findings indicate that respondents regard structural change as generally important but consider the vulnerability-focused basic assistance policy at UNHCR Khartoum as limited in its focus and/or effect on structural change. As mentioned in Chapter 3, this is important to note because a focus on short-term relief means that the root-causes of the beneficiaries’ vulnerability likely remain unaddressed. Instead, the basic assistance provision concentrates on the individual beneficiary. Hence, the responsibility for, and mitigation of, a beneficiary’s vulnerability is sought at the individual level and considerations about the extent to which the beneficiaries’ social environment and/or structural issues might play a role remain limited. This reflects a responsabilisation- rather than an empowerment-focus of the vulnerability-focused basic assistance policy with regard to this first substantive dilemma. Hence, the policy investigated in this case study appears limited in the contribution it can make to facilitating socio-economic participation. However, the general desire among respondents to make a contribution to structural change warrants a further analysis of any other, subtle, starting points for facilitating socio-economic participation in the present case.

<sup>454</sup> Transcript, UNHCR Respondent 7.

<sup>455</sup> UNHCR (March 2017) 2.

<sup>456</sup> UNHCR (March 2017) 2.



### 9.2.2. CONTROL AND/OR SUPPORT?

Although the findings indicate that some respondents would prefer support measures to activate potential beneficiaries, control measures appear to be more prominent in the present case. This section outlines on what basis I arrived at this conclusion.

The two respondents involved in the design of the vulnerability-focused basic assistance policy who comment on this issue indicate that they prefer support measures. However, when discussing monitoring and verification and the risk of fraud among beneficiaries, both respondents appear to contradict these alleged preferences and, instead, exhibit a preference for control. This preference for control is also reflected in the fact that three of the four respondents involved in the design of the assessment are in favour of reintroducing home visits to verify and/or monitor a beneficiary's situation.

The assessment design itself entails several control-focused characteristics (such as, for instance, making the provision of assistance subject to proof of counselling or a medical report and merely providing short periods of assistance in order to closely monitor the beneficiary's situation). The findings further indicate that, at the time of research, there were no support measures for the beneficiaries other than the financial assistance itself or the possibility to provide recommendations for a more sustainable solution.

As regards the implementation of the assessment, the case workers appear critical of control measures. This, however, seems to be primarily due to the fact that they perceive them as too time-intensive and as an additional hassle in their already very busy daily work: all three case workers commenting on control measures perceive medical reports in particular as annoying and as delaying their work. Three of the four IRC members are concerned about the lack of verification and monitoring measures, thereby exhibiting a preference for control. One respondent for instance, remarks: *"And of course a huge, well, a much larger challenge is the verification. We have absolutely no means. Well, the only thing is the medical report".*<sup>457</sup> Moreover, the IRC members' discussions about controversial vulnerability criteria as well as their dissatisfaction with the existing verification and monitoring mechanisms suggest a general preference for control as well as a general mistrust towards beneficiaries.

The findings indicate that some of the control measures of the assessment are not effectively implemented (for instance, policy implementers do not request potential beneficiaries to provide proof of their attendance of counselling sessions despite this having been the intention in the design of the assessment). However, since this is primarily due to feasibility issues, it does not abolish the fact that the basic assistance providers and the assessment itself exhibit control-focused tendencies. The findings indicate that the only support measure, in addition to the financial assistance itself, is the possibility to provide recommendations for a more sustainable solution for the beneficiary's situation. The effectiveness of these recommendations appears to be limited due to lacking specificity, limited options and a lack of attention and follow-up.

<sup>457</sup> Transcript, UNHCR Respondent 7.



Overall, the vulnerability-focused basic assistance policy at UNHCR Khartoum therefore appears control- rather than support-focused. If attention is paid to any form of participation, the focus is on economic participation (livelihood opportunities or income-generating activities). For as far as any control or support measures exist and are implemented in the present case, they equally focus on economic participation. The attention being paid to the beneficiary's social environment remains limited.<sup>458</sup> As mentioned in Chapter 3, these aspects further underscore the responsabilisation rationale because they imply that beneficiaries are viewed as the primary persons responsible for mitigating their own vulnerability. Hence, the preferences and choices regarding this substantive dilemma in the present case do not appear to be empowerment-focused and therefore remain limited in their potential for facilitating socio-economic participation.

### 9.2.3. MATERIAL NEEDS AND/OR PROTECTION RISKS?

Despite the fact that some protection risks are being recognised, the findings indicate that, in the present case, vulnerability is primarily understood as needs-based. This section explains on what basis I drew this conclusion.

Three of the four respondents involved in the design of the vulnerability assessment perceive vulnerability as both needs- and risk-related. Yet, the assessment design only reflects this to a limited extent: although, at first sight, the vulnerability criteria themselves exhibit some protection concerns (e.g. in their prominent references to risks and violence), the additional criteria that have to be met before a beneficiary is found eligible for assistance are entirely needs-based (e.g. a lack of family or community support, a large number of dependents and having a low or no income). Additionally, a key protection-related vulnerability criterion (Legal and/or Physical Protection Needs) had consciously been omitted from the vulnerability assessment at the time of research. Indeed, as mentioned in Section 6.2.2, the provision of multipurpose cash grants at the time of research was limited to refugees and asylum seekers who met “a set of socioeconomic criteria and compounding vulnerability factors” which, according to UNHCR, served “to ensure financial assistance is based on needs”.<sup>459</sup>

In addition, as is summarised in Table 8 below, three of the four case workers who comment on this issue view vulnerability as primarily needs-related and, for instance, assert that the essence of vulnerability is related to issues such as not having a minimum standard to live, a lack of food or a lack of housing. One case worker focuses on protection risks and mentions, for instance, a person's gender, mental state or experience of violence. Thus, although some case workers view vulnerability as (also) related to risks, their arguments generally reflect a more prominent focus on material deprivation and socio-economic needs.

<sup>458</sup> However, see Section 9.2.4 for some nuance on this issue.

<sup>459</sup> UNHCR (March 2017) 3.

A similar tendency towards needs can be observed among IRC members who view vulnerability as related to issues such as the beneficiary's income, living conditions or health status. Yet, IRC members also refer to risk-related aspects of vulnerability and mention, for instance, a beneficiary's lack of protection, the inability to claim rights and being in a foreign country. IRC meetings focus on material needs and seldom involve discussions on protection risks.

**Table 8: Perceptions about Material Needs and Protection Risks among Policy Implementers at UNHCR Khartoum**

	Material Needs	Protection Risks
<b>Case Workers</b>	<ul style="list-style-type: none"> <li>- Not having a minimum standard to live</li> <li>- Lack of food</li> <li>- Lack of housing</li> <li>- Lack of medical support</li> <li>- Education level</li> <li>- A need for extra care</li> <li>- Being unable to support themselves</li> <li>- The beneficiary's socio-economic position</li> </ul>	<ul style="list-style-type: none"> <li>- Gender</li> <li>- Mental state</li> <li>- Experience of violence</li> </ul>
<b>IRC Members</b>	<ul style="list-style-type: none"> <li>- Beneficiary's income</li> <li>- Living conditions</li> <li>- Health status</li> <li>- Education level</li> <li>- General lack of something</li> <li>- Personal background</li> </ul>	<ul style="list-style-type: none"> <li>- (Lack of) refugee status</li> <li>- Gender</li> <li>- Lack of social structure</li> <li>- Lack of protection</li> <li>- Inability to claim rights</li> <li>- Being in a foreign country</li> <li>- Not having moved voluntarily</li> <li>- Being exposed to a different culture, language and religion</li> </ul>

These findings suggest that, while some respondents mention potential protection risks, the focus on material needs is more prominent in the present case. Despite the diverse vulnerability-related issues which respondents mention when defining vulnerability, their general perceptions and actions appear more needs-focused. As outlined in Chapter 3, this needs-focus can be interpreted as linked to responsabilisation because it indicates a focus on immediate issues that can be addressed by assisting the individual and remains limited in the extent to which the beneficiaries' social environments are taken into account. This focus on material needs might seem logical since the focus of the case study is a basic assistance policy (and the most obvious purpose of financial assistance is the mitigation of material deprivation). Yet, when seeking to facilitate socio-economic participation, such a focus on material needs neglects the underlying structural issues and therefore remains limited in the potential contribution the assistance provision can make to substantive equality. The focus on material needs in this third substantive dilemma is therefore another indication that the vulnerability-focused basic assistance policy investigated in this case study remains limited in its transformative potential for substantive equality.

#### 9.2.4. ACTIVATION IDEAL AND RESPONSIBILISATION PRACTICE

In the present case, the desire to activate beneficiaries seems to be a central concern. Several respondents involved in the design of the vulnerability assessment for basic assistance at UNHCR Khartoum fear that people might become dependent upon the assistance provided by UNHCR and voice a general desire to facilitate the beneficiaries' socio-economic participation. The activation rationale is one of the main reasons behind assisting potential beneficiaries with cash rather than goods.<sup>460</sup> The slogan "*cash is only a tool, not an end in itself*" reflects the core conviction of this activation approach and is repeatedly emphasised by several respondents.<sup>461</sup>

This general desire to activate beneficiaries is also integrated into the vulnerability assessment itself. As mentioned in Section 6.2.1, a UNHCR headquarters policy indicates that "[c]ash-based interventions address diverse needs, reduce protection risks and contribute to solutions through rights-based and community-based approaches with individual dignity and choice at the centre".<sup>462</sup> Additionally, the Draft Standard Operating Procedures for the vulnerability-focused basic assistance policy at UNHCR Khartoum underline the importance of resilience-building through the provision of financial assistance.<sup>463</sup>

Similarly, all case workers and IRC members assert that the assistance should only be temporary until beneficiaries can be self-reliant again and that achieving this self-reliance should be the central objective of the assistance provision. However, the respondents' perceptions of, and the basic assistance policy's guidance on, activation measures remain diffuse. This section therefore summarises how, in this case study, the apparent activation desire seems to have turned into a responsabilisation-oriented policy practice.

In addition to the abovementioned responsabilisation tendencies (Sections 9.2.1–9.2.3), the responsabilisation rationale also becomes apparent in the daily work of case workers and IRC members in general. As such, case workers and IRC members tend to focus on the potential beneficiaries' inability to work when assessing the applicants' eligibility for assistance, thereby prioritising economic aspects of the beneficiary's vulnerability. This is particularly problematic in light of the fact that refugees and asylum seekers are not allowed to work in Khartoum and can therefore only engage in informal employment.<sup>464</sup> Additionally, several IRC members take into account whether a potential beneficiary has been able to cope without UNHCR before and assume that, if this was the case previously, then the person should still be able to cope without assistance. Moreover, the case workers' and IRC members' attention

<sup>460</sup> Compare, e.g., UNHCR (October 2016).

<sup>461</sup> Field Note, 07–12–17.

<sup>462</sup> UNHCR (2016b) 3.

<sup>463</sup> UNHCR (March 2017) 4.

<sup>464</sup> Compare Section 5.3.

to recommendations for sustainably mitigating a beneficiary's vulnerability remains limited. Furthermore, two IRC members specifically emphasise that potential beneficiaries do not only have rights but also duties. These examples exhibit a responsibilisation rationale because they imply that the beneficiaries themselves are the ones who are the primary responsible for their situation and neither case workers nor IRC members appear to actively investigate how these beneficiaries could be facilitated in their socio-economic participation.

Although this study did not analyse the actual effectiveness of UNHCR's vulnerability-focused basic assistance for the activation of beneficiaries, several findings indicate that the policy's potential for facilitating socio-economic participation among beneficiaries in the present case might indeed be limited: 1) respondents suggest that the most vulnerable persons might not be able to approach UNHCR, 2) respondents have experienced that beneficiaries are growing dependent, 3) respondents indicate that beneficiaries leave or find a different solution but none of the respondents states that UNHCR played any role in this and 4) beneficiaries frequently receive assistance more than once. Hence, the approach in the present case seems to offer limited starting points for contributing to the vulnerability notion's alleged transformative potential for substantive equality. These findings correspond to the general background outlined in Chapter 6. As mentioned in Section 6.1.2, UNHCR's official foci include the encouragement of refugees' economic self-reliance. Yet, UNHCR Sudan's main focus in 2017 was basic humanitarian assistance and the amount spent on community empowerment and self-reliance activities remained relatively small.

This does not necessarily mean that respondents in the present case are completely unaware of the role the beneficiaries' social environment plays in the mitigation of vulnerability. Such awareness can, for instance, be found in the suggestion by some case workers that 'new arrivals' should be an additional vulnerability category. The case workers substantiate this suggestion with the argument that newly arrived refugees still have to settle and build their network – a clear reference to the beneficiaries' social environment. Additionally, UNHCR Khartoum was in the process of developing plans for awareness and information campaigns and for the use of community volunteers to identify vulnerable community members. Although, at the time of research, these measures were not yet in place, this is another indication of some awareness about the importance of the beneficiaries' social environment. These aspects, if actually integrated into the vulnerability focused-basic assistance policies at UNHCR Khartoum could thus be small steps into the direction of more empowerment-focused activation efforts: they can lower the access barrier, acknowledge a beneficiary's social context and facilitate a tailor-made approach for the mitigation of vulnerability. This could facilitate the socio-economic participation of beneficiaries and therefore indicate potential starting points for contributing to the vulnerability notion's transformative potential.

### 9.2.5. FINAL NOTE AND POLICY RECOMMENDATION

As mentioned at the beginning of the chapter, the findings with regard to the transformative potential for facilitating socio-economic participation in this case study are mere indications. They centre on the specific policy of providing vulnerability-focused basic assistance at the specific location of UNHCR Khartoum at a specific point in time.<sup>465</sup> Hence, further research in different contexts would be desirable to substantiate the above arguments on a larger scale.

What nevertheless emerges as particularly relevant indication from this case study is the fact that, despite a general activation ambition, UNHCR Khartoum's vulnerability-focused basic assistance policy remains limited with regard to any specific measures to that effect. Similarly, although respondents appear to exhibit some desire to work towards facilitating socio-economic participation, the practice appears to be lagging behind. These ambitions and desires appear to have primarily been translated into a responsabilisation-oriented activation rationale (reflected, for instance, by the importance attached to whether or not a person is able to work).

This is relevant for the transformative potential of vulnerability because it reveals how an activation ideal is easily paired with a responsabilisation rationale. While further research in this respect would be desirable, the findings suggest that the present case study's policy might therefore be limited in its contribution to the beneficiaries' socio-economic participation. At least one respondent is of the opinion that the basic assistance provision can deteriorate, rather than improve the situation of a beneficiary. This respondent holds:

“[I]f no durable solution is found, then the person is maybe in a worse position after CBI [financial assistance] than she was previously because she then somehow, for instance, has an apartment which she could finance through the support but now not anymore and then she is expelled and stands on the street”.<sup>466</sup>

While activation-focused basic assistance policies are not necessarily detrimental to the transformative potential of vulnerability, such policies are problematic if they aggravate, rather than diminish, dependency, destitution and precarity. In light of these findings I suggest that the vulnerability-focused basic assistance policy in the present case could be brought at least two small steps more in line with the potential to facilitate socio-economic participation despite the dominant responsabilisation rationale if:

- 1) The relationship between material needs and protection risks is more thoroughly attended to and integrated into the assessment. For this purpose, it would be useful to consider how basic assistance can not only mitigate immediate material needs

<sup>465</sup> On these and other limitations see also Sections 4.1.2, 4.3.5 ('A Note on the Number of Respondents') and 4.5.

<sup>466</sup> Transcript, UNHCR Respondent 2.

but also contribute to the mitigation of protection risks and what else would be needed in this respect. The vulnerability criteria and additional conditions should be redefined on that basis.

- 2) Structural issues are inventoried systematically so as to better understand the origin and social embeddedness of beneficiaries' vulnerability. These inventories could subsequently help evidence-based programming as well as advocacy efforts.

These are only two small ways in which the desire to facilitate participation in the present case could be integrated into the basic assistance policy, thereby bringing the policy more closely in line with the transformative potential of vulnerability. Other, smaller, desirable measures that are even more closely in line with the already existing policy could be to pay more in-depth attention to recommendations and follow-up as well as to actually implement the plans for information campaigns and for the use of community volunteers so as to actually reach the most vulnerable. All of these aspects would allow for increased attention to a beneficiary's social embeddedness and could therefore improve the transformative potential of the basic assistance policy in the present case. Obviously, other, more fundamental changes in the policy could also be imagined but, considering the set-up of the policy, the above suggestions seem the most relevant and feasible steps that could be taken. Even if the attention to empowerment remains limited in the present case, these simple steps could bring the policy one step closer to its own underlying ambition to facilitate the socio-economic participation of vulnerable beneficiaries.

### 9.3. THE ROLE OF CONTEXTUAL CONSTRAINTS

This section highlights what respondents appear to perceive as the most relevant contextual constraints for their work with the vulnerability-focused basic assistance policy. This is not a comprehensive analysis of all potentially relevant factors that influence UNHCR Khartoum's work. The section distinguishes between the contextual constraints that are perceived as most relevant for the procedural dilemmas (and therefore for the administrative justice model that appears most prominent at UNHCR Khartoum) and the contextual constraints that are perceived as particularly relevant for the substantive dilemmas (and therefore for the activation approach that appears most prominent in this case study). Yet, the respective aspects are obviously inter-related and the influences might cross-cut this distinction. As such, the organisational structure and culture, for instance, is likely not only relevant for the administrative justice model but also influences the activation approach. Similarly, the operational environment is not only relevant for the activation approach but also influences the administrative justice model. This section merely sought to highlight

with regard to which aspect the contextual constraints appear to be felt most directly by respondents.

Although UNHCR's mandate and international legal obligations did not appear to resonate particularly prominently with the respondents, it is important to note that these contextual constraints likely nevertheless play a more subtle, underlying role.<sup>467</sup> As such, these constraints likely influence the organisation's general focus and room for manoeuvre in relation to the international community as well as in the operational environment in Sudan. Moreover, the very specific, legal protection-oriented and limited mandate of UNHCR has likely also shaped the organisation's structure and culture and, related to this, influenced the tendency towards the bureaucratic model of administrative justice in the present case.

### 9.3.1. FOR THE ADMINISTRATIVE JUSTICE MODEL

The findings illustrate that several contextual constraints play a role for the administrative justice model that is most prominent in the design and implementation of the vulnerability assessment for basic assistance at UNHCR Khartoum (the bureaucratic model). However, this section specifically focuses on what respondents appear to perceive as the most relevant contextual constraints for the procedural preferences regarding their vulnerability-assessment-related work, namely 1) financial and resource constraints and the international community and 2) previous experiences and UNHCR Khartoum's organisational structure and culture.

#### 9.3.1.1. *Financial and Resource Constraints and the International Community*

The findings indicate that financial and resource constraints influence the respondents' vulnerability-assessment-related work in several respects. The Draft Standard Operating Procedures for the vulnerability-focused basic assistance policy already reveal that the vulnerability assessment serves "to ensure impartial provision of assistance to those most in need" in light of "[l]imited financial resources" for assistance to urban refugees.<sup>468</sup> One respondent involved in the design of the vulnerability assessment similarly states that financial constraints are a fundamental reason for why the assessment is necessary and for why feasibility is an important consideration for the assessment design.

In addition, several respondents involved in the implementation of the vulnerability assessment perceive financial constraints as relevant to their work. While some case workers find financial and resource constraints to be the main reason for having an eligibility assessment, other case workers state that the budget could simply have been allocated differently. IRC members generally perceive budgetary limitations as

<sup>467</sup> Compare Section 14.1.3.

<sup>468</sup> UNHCR (March 2017) 3.

self-evident and inherent to their work but simultaneously identify these limitations as the reason for why an assessment has to be feasible. Hence, regardless of whether resources are actually constrained, the respondents' repeated references to financial and resource constraints indicate, at the very least, that these constraints are perceived as an important aspect of UNHCR Khartoum's vulnerability assessment-related basic assistance provision.

Additionally, several respondents indicate that financial and resource constraints make UNHCR dependent on the international community and, specifically on donor interests. This means that, in order to adhere to these donor interests, UNHCR has to take international political priorities into account. To recall, the present study identified three such international political priorities: emergency relief, sustainable development and migration management.<sup>469</sup> While all three priorities are potentially relevant, the role of the migration management rationale appears particularly remarkable in the present case. The role of this rationale in the respondents' perception and choices regarding the procedural dilemmas is, for instance, reflected in some respondents' fear about potential fraud and about the creation of a 'pull factor' that could encourage people to move to Khartoum. While it goes beyond the scope of this study to discuss the validity of these fears, the findings imply that these fears, and thus the international political priority of migration management, at least partially influence respondents' preference for a rigid and selective vulnerability assessment. This corresponds to the fact that addressing human trafficking was an official focus of UNHCR Sudan in 2017.<sup>470</sup> This is not surprising since, as Section 6.1.3 indicates, European countries were the largest donors of UNHCR Sudan (the largest European donors combined contributed US\$ 21.26 million compared to US\$ 13.8 by the largest single donor United States).

### 9.3.1.2. *Previous Experiences and the Organisational Structure and Culture*

The levels of flexibility, feasibility and selectivity in the vulnerability assessment at UNHCR Khartoum appear to also be shaped by previous experiences encoded in, for instance, headquarters policies, other assessments and the general organisational knowledge. Such previous experiences can both be shaped by and shape the organisational structure and culture at UNHCR Khartoum. The aspects of this organisational structure and culture that respondents appear to perceive as particularly relevant for their vulnerability assessment-related work can be summarised as: 1) management, coordination and communication, 2) time pressure and 3) staff fluctuations and diversity.

First, respondents experience management, coordination and communication issues at UNHCR Khartoum as relevant to their possibilities for interpreting and working with the vulnerability assessment. Several case workers and IRC members

<sup>469</sup> See Chapter 3.

<sup>470</sup> Compare Section 6.1.2.



remark that there is neither enough structure and coordination nor enough exchange and interaction between different departments within the organisation. In addition, several case workers feel that their comments are not being taken seriously by senior officials and IRC members complain that they sometimes receive insufficient or sloppy information. Simultaneously, however, the findings suggest a hierarchical and rigid bureaucratic structure at the core of UNHCR's work. Literature on UNHCR echoes these findings regarding UNHCR's management and coordination style.<sup>471</sup> This gap between rigid bureaucratic ideal and complex reality might explain some of the inconsistencies in the preferences and choices regarding the procedural dilemmas relevant to the vulnerability assessment at UNHCR Khartoum.<sup>472</sup>

Second, the findings indicate that compromises regarding the accuracy and efficiency in the implementation of the vulnerability assessment at UNHCR Khartoum might be attributable to time pressure. As such, several case workers occasionally provide late or less elaborate assessments due to this time pressure. A less elaborate assessment, in turn, increases the likelihood of a deferral by the IRC and therefore cause (further) delays in the process of assistance provision. The (perceived) time pressure could be a reason for why case workers are not only client-centred but also efficiency-focused and can explain why cases are not resubmitted or followed-up.<sup>473</sup>

Third, the relevance attached to the rigidity aspect of the bureaucratic model of administrative justice in this case study can be understood in relation to the frequent staff-turnover and diverse staff backgrounds at UNHCR Khartoum. IRC members, for instance, explicitly mention the frequent staff-turnover as an argument for why rigidity is crucial for the vulnerability assessment at UNHCR Khartoum.<sup>474</sup> Moreover, respondents (especially at the policy design level) use arguments related to these staff fluctuations and to the diverse levels of skills and educational backgrounds among case workers to emphasise the importance of strict guidelines, review and standardisation to ensure coherence and accuracy.

### 9.3.2. FOR THE ACTIVATION APPROACH

The findings suggest that several contextual constraints are relevant for understanding activation in the vulnerability-focused basic assistance policy at UNHCR Khartoum. This section focuses on what respondents perceive as the most relevant influences in this respect, namely 1) financial and resource constraints and the international community and 2) the operational environment.

<sup>471</sup> Compare, e.g., Loescher (2001) 358–364. See also Section 3.4.6.

<sup>472</sup> Compare, e.g., Lipsky (1980/2010) 13–16.

<sup>473</sup> Compare also, e.g., Lipsky (1980/2010) 18, 29, 89–91.

<sup>474</sup> These frequent shifts in staff are a common and well-known issue for UN agencies. Compare, e.g., Loescher (2001) 359–364.

### 9.3.2.1. *Financial and Resource Constraints and the International Community*

The findings indicate that financial and resource constraints are not only perceived as relevant for the procedural choices regarding the vulnerability assessment at UNHCR Khartoum, but also play a role in the activation approach that underlies this assessment. The respondents' arguments, for instance, suggest that financial and resource constraints can mean that only the most narrow vulnerability criteria are included. Moreover, financial and resource constraints can serve as a justification for limited monitoring and verification and for limited attention to structural changes. Hence, (perceived) financial and resource constraints might help to understand why UNHCR Khartoum's approach to activation reflects some responsabilisation tendencies: placing primary responsibility for economic participation upon the individual beneficiary is usually (perceived as) easier and cheaper than striving for a more social-economically oriented participation in the form of empowerment and social resilience.<sup>475</sup>

As already mentioned above, limited financial resources can increase the influence of donors, other international agencies and international political priorities upon the vulnerability assessment design and implementation. This can help to further understand the specifics of the responsabilisation-oriented activation approach in the present case. All three international priorities identified in Chapter 3 are relevant in this respect (emergency relief, sustainable development and migration management).

The emergency relief rationale appears to have been integrated into the assessment through the reliance on WFP's camp-based vulnerability criteria (which primarily focus on basic needs).<sup>476</sup> This emergency relief rationale might help to explain the focus on short-term relief and material needs in the present case. Nevertheless, the sustainable development rationale also appears to have been a relevant influence upon the respondents' vulnerability-assessment-related work. This becomes, for instance, apparent in the respondents' concern about the dependency of beneficiaries upon the assistance and in the respondents' desire to facilitate the beneficiaries' self-reliance. Lastly, the migration management rationale is not only relevant for choices in the procedural, but also in the substantive, dilemmas regarding the vulnerability assessment in the present case. As such, the respondents' concerns about the creation of a "pull factor" could partially explain why some vulnerability criteria are interpreted strictly (e.g. "Woman at risk") or not included in the assessment at all (e.g. "New arrivals").

### 9.3.2.2. *The Operational Environment*

The findings indicate that the operational environment is perceived as particularly relevant contextual constraint upon UNHCR Khartoum's activation efforts. Policy

<sup>475</sup> Compare, e.g., Brown (2013), 72–73.

<sup>476</sup> Compare, e.g., Susanne Jaspars and Jeremy Shoham, 'Targeting the Vulnerable: A Review of the Necessity and Feasibility of Targeting Vulnerable Households' [1999] 23(4) Disasters 359–372.

implementers indicate that, at the time of research, the Sudanese authorities restricted, surveilled and sometimes actively boycotted the movement and activities of both UNHCR and potential beneficiaries.<sup>477</sup> Restrictions by the Sudanese authorities can impede UNHCR's efforts 1) to reach beneficiaries, 2) to facilitate activation and 3) to collect accurate information about access and vulnerability issues.

Moreover, the operational environment is obviously fundamental for the vulnerability of potential beneficiaries. In this respect, respondents specifically mention 1) discrimination, 2) a lack of economic opportunities, 3) a lack of registration and documentation and 3) the risk of detention. One respondent, for instance, remarks:

“Well it is really very difficult for Eritreans to come here and work because we actually have to tell them that they have to keep a low profile because the police is looking for you everywhere but at the same time we can't support you and you have to find work. Well, this is the double standard which somehow doesn't make sense here”.<sup>478</sup>

Additionally, as already mentioned in Chapters 5 and 6, the operational environment in Sudan remained generally challenging for humanitarian actors at the time of research. UNHCR continuously faced threats, violence and practical impediments upon their work.<sup>479</sup>

Facilitating socio-economic participation does not seem feasible if the structural issues remain unaddressed. Simultaneously, however, the restrictive operational environment limits UNHCR's room for manoeuvre. It might at least be partially for this reason that UNHCR Khartoum's advocacy efforts on these structural issues remain limited and/or ineffective. Hence, the (perceived) operational environment plays a crucial role for understanding why, despite a general activation desire, the measures taken in the vulnerability-focused basic assistance policy at UNHCR Khartoum remain limited in scope and effect by focusing on responsabilisation rather than empowerment.

## 9.4. CONCLUDING REMARKS

In sum, this case study suggests that UNHCR Khartoum's vulnerability assessment for basic assistance largely reflect characteristics of the bureaucratic model of administrative justice and a responsabilisation-focused approach to activation. This is not particularly well-suited for realising the transformative potential of vulnerability for substantive equality because it appears limited in acknowledging the complex reality of unique, embodied but socially embedded individuals. Due to this limited understanding of the human condition, the policy falls short in its potential for the mitigation of stigmatisation and stereotyping as well as in its potential for facilitating

<sup>477</sup> Compare Chapter 5 and Sections 6.1.4, 7.3.4 and 8.3.4.

<sup>478</sup> Transcript, UNHCR Respondent 2.

<sup>479</sup> Compare Section 6.1.4.

socio-economic participation. Several contextual constraints help to explain why UNHCR Khartoum relies on this approach. Despite these contextual constraints the chapter suggests that several small changes could be adopted in order to bring the policy one step closer to mitigating stigmatisation and stereotyping and facilitating socio-economic participation. The adoption of these changes could improve the transformative potential of the vulnerability-focused basic assistance policy investigated in this case study.

## **PART IV**

### **CASE 2: ASSESSING AND ADDRESSING VULNERABILITY AT IOM KHARTOUM**



This part of the study presents the second case study which analyses IOM's vulnerability-focused screening and prioritisation tools for urban migrants at IOM's Migrant Resource and Response Centre (MRRC) in Khartoum. The data collection was guided by the following initial exploratory question: *how is vulnerability understood in the design and implementation of the MRRC's vulnerability assessments and what influences the way in which it is understood?*<sup>480</sup> The case study explores the administrative dilemmas and contextual constraints that appear relevant to the design and implementation of the vulnerability assessments at the MRRC in Khartoum. In so doing, the case study seeks to shed light on some of the choices, challenges and dilemmas involved in assessing and addressing vulnerability to develop arguments for answering the overall research question on the transformative potential of vulnerability.

Similar to the first case study, this second case study is divided into four chapters: first, a short introductory chapter (Chapter 10) provides background information on IOM's mission in Sudan and on the basic assistance policy on which this case study focuses.<sup>481</sup> Chapter 11 then presents the case study's findings on the vulnerability-focused basic assistance policy's design and the respective administrative dilemmas and contextual constraints. Subsequently, Chapter 12 presents the case study's findings on the implementation of the vulnerability-focused basic assistance policy, i.e. the functioning of the vulnerability assessments in the policy implementers' daily work as well as the administrative dilemmas and contextual constraints that appear relevant in this respect. Lastly, Chapter 13 places these findings into perspective by reflecting upon and discussing them in light of their transformative potential: to what extent does the policy practice at IOM Khartoum at the time of research appear to contribute to the mitigation of stigmatisation and stereotyping and to facilitating socio-economic participation? What contextual constraints are most relevant for understanding this (lack of) transformative potential?

<sup>480</sup> Compare Section 1.6 and Chapter 3.

<sup>481</sup> While UNHCR speaks of operations, IOM offices are called missions.





## CHAPTER 10

### BACKGROUND ON IOM IN SUDAN

This short introductory chapter provides background information on IOM in Sudan at the time of research. This seeks to facilitate the reader's understanding of the particularities of the specific case investigated in this study. The chapter outlines IOM's mission in Sudan (10.1), IOM's policy of Migrant Resource and Response Centres (MRRCs) on which this study focuses (10.2) and the policy process underlying the vulnerability assessments' design and implementation at the MRRC in Khartoum (10.3).<sup>482</sup>

#### 10.1. IOM MISSION IN SUDAN

##### 10.1.1. SIZE AND STRUCTURE OF THE MISSION

IOM counted 181 staff members in its 2017–2019 Strategic Plan but more detailed information on IOM's staff composition in its mission in Sudan was not publically available at the time of research.<sup>483</sup> IOM had one head office in Khartoum (with the MRRC being housed in a separate building in a different part of the city) and six sub-offices in South and West Kordofan, North Darfur, South Darfur and West Darfur.<sup>484</sup> The Khartoum office was the main office while all other offices were field offices (and therefore much smaller in size). The present case study focuses exclusively on the main office in Khartoum. The IOM office in Khartoum was subdivided into three major thematic units: the Preparedness and Emergency Unit, the Transition and Reintegration Unit and the Migration Management and Development Unit. The MRRC was part of the last one of these three units.<sup>485</sup>

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<sup>482</sup> For the rationale underlying this focus see Section 4.1.3.

<sup>483</sup> IOM (2017a) 3.

<sup>484</sup> IOM, 'Sudan Mission' <<https://sudan.iom.int/sudan-mission>> accessed 30 December 2019. In addition, during the research period, IOM was in the process of setting up another Migrant Resource and Response Centre in Eastern Sudan (El Gedaref) which opened on 5 March 2019. IOM, 'More Help for Vulnerable Migrants as IOM Opens Sudan's Second Migrant Resource Centre' <<https://sudan.iom.int/news/press-releases/more-help-vulnerable-migrants-iom-opens-sudan%E2%80%99s-second-migrant-resource-centre>> accessed 30 December 2019.

<sup>485</sup> IOM, 'IOM Sudan Country Profile: Over 15 Years Working in Sudan' <<https://sudan.iom.int/sites/default/files/docs/IOM%20Sudan%20Country%20Profile%20Jan%20to%20Dec%202016%20ENGLISH.pdf>> accessed 30 December 2019.

### 10.1.2. KEY PRIORITIES AND BUDGET OF IOM IN SUDAN

According to IOM Sudan's Strategic Framework for 2017–2019, the central aim of IOM's activities in Sudan at the time of research was "to support the Government of Sudan and its people to address the challenges and opportunities before, during and after a migration crisis" and "to align its programmatic development and approaches with the principles and objectives of good migration governance".<sup>486</sup> IOM distinguished three pillars with regard to this overarching objective, namely: 1) the provision of effective humanitarian response, 2) early recovery and transition and 3) the promotion of national ownership preparedness and resilience.<sup>487</sup>

IOM's actual expenditures were not publicly available at the time of this research. However, IOM estimated the budget for these three pillars for the three-year period to be US\$ 133.925.000.<sup>488</sup> Of this amount, US\$ 48.375.000 was allocated to pillar 1, US\$ 56.150.000 to pillar 2 and \$29.400.000 to pillar 3.<sup>489</sup> The identification and assistance of "vulnerable migrants" (Strategic Objectives 1 and 2) fell within the first pillar.<sup>490</sup>

Hence, the identification of, and assistance to, vulnerable migrants was the second-largest budget post in IOM's strategic plan for 2017–2019. This budget was subdivided into US\$ 6.500.000 for identifying and US\$ 41.875.000 for assisting these vulnerable migrants.<sup>491</sup> It remains unclear how this is further subdivided across Sudan and across the different assistance activities but these numbers indicate at the very least that the identification of, and assistance to, vulnerable migrants was a priority for IOM Sudan at the time of this research.

### 10.1.3. DONORS AND PARTNERS OF IOM SUDAN

Information about IOM's funding in Sudan was not publicly available at the time of this research. However, the organisation's 2016 Annual Report for Sudan indicates that the main donors during that year were:

- Governments: the United States, USAID, Canada, Sweden, the European Union, Japan, the United Kingdom, UKAID, Italy, the Italian Agency for Development Cooperation, Germany, the Netherlands, Norway, Switzerland, Qatar,
- One private donor: MSI (a US-based consultancy firm),
- The UN: the UN Interim Security Force for Abyei (UNISFA), the UN General Assembly's Central Emergency Response Fund and the Common Humanitarian Fund Sudan
- IOM's own headquarters funds: the IOM Development Fund.<sup>492</sup>

<sup>486</sup> IOM (2017a) 2.

<sup>487</sup> IOM (2017a) 17–18.

<sup>488</sup> IOM (2017a) 19.

<sup>489</sup> IOM (2017a) 19.

<sup>490</sup> IOM (2017a) 17–18.

<sup>491</sup> IOM (2017a) 19.

<sup>492</sup> IOM, 'IOM Sudan Annual Report 2016' <<https://sudan.iom.int/iom-sudan-annual-report-2016>> accessed 30 December 2019.

The set-up of the MRRC in Khartoum in 2015 was initially supported by the Norwegian Ministry of Justice but has, since then, also received funding from a variety of other donors.<sup>493</sup>

At the time of research, IOM collaborated with a large variety of government actors at different levels and, in particular, a large number of Sudanese ministries including the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Finance and Economic Planning; the Ministry of Social Welfare, the Ministry of Health, the Ministry of Justice and the Ministry of Labour as well as with the offices of state governors and local commissioners.<sup>494</sup> Yet, the MRRC Khartoum was not directly engaged with any government actor.<sup>495</sup>

Regarding the collaboration and coordination with other international agencies, IOM was a member of the United Nations Country Team and the Humanitarian Country Team and collaborated, in particular through the “Strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan”, with UNHCR, UNICEF, the United Nations Population Fund and the United Nations Office on Drugs and Crime.<sup>496</sup> In addition, IOM engaged with and supported several civil society and community-based organisations.<sup>497</sup> One of the functions of the MRRC, for instance, was the referral of migrants to such civil society and community-based organisations.<sup>498</sup>

#### 10.1.4. RECENT IMPEDIMENTS FOR IOM’S WORK IN SUDAN

As already mentioned in Chapter 5, the operational environment in Sudan was challenging for humanitarian actors at the time of research. Moreover, IOM Sudan had recently faced several external and internal challenges. IOM itself identified four main challenges, namely the large humanitarian needs, the difficulties in humanitarian access, communal conflicts along pastoralist corridors about land, water and natural resources and the difficulties in providing equal access to basic services due to lacking or destroyed infrastructure, crowded camp settings and rural-urban differences.<sup>499</sup> Since January 2018, the deteriorating economic situation in Sudan with frequent cash, fuel and basic goods shortages increasingly encumbered IOM’s planning and assistance provision.<sup>500</sup> In addition, recent organisational challenges involved the prolonged absence of a Chief of Mission, flawed internal administration (leading to one of IOM’s

<sup>493</sup> IOM, ‘The Migrant Resource & Response Centre’ <<https://sudan.iom.int/migrant-resource-response-centre>> accessed 30 December 2019.

<sup>494</sup> IOM (2017a) 4.

<sup>495</sup> Field Note, 31–07–18.

<sup>496</sup> IOM (2017a) 4.

<sup>497</sup> IOM (2017a) 4.

<sup>498</sup> Field Note, 31–07–18.

<sup>499</sup> IOM (2017a) 13.

<sup>500</sup> Radio Dabanga, ‘Sudan Fuel Shortage Slows Humanitarian Aid: UN Agencies’ (4 May 2018) <<https://www.dabangasudan.org/en/all-news/article/sudan-fuel-shortage-slows-humanitarian-aid-un-agencies>> accessed 30 December 2019.

largest donors retracting) and conflicts with the Sudanese authorities prior to the opening of the MRRC in El Gedaref (Eastern Sudan).<sup>501</sup>

## 10.2. VULNERABILITY AND IOM'S MIGRANT RESOURCE AND RESPONSE CENTRE (MRRC) IN SUDAN

At the time of research, the vulnerability of potential beneficiaries played a central role in several of IOM's policies and activities in Sudan and was identified for a variety of different reasons. As such, vulnerability was, for instance, identified with regard to IDPs as part of IOM's Displacement Tracking Matrix exercises and with regard to Sudanese returnees from abroad as part of IOM's reintegration assistance.<sup>502</sup> In addition, vulnerability was a fundamental concept for the provision of assistance in the MRRC where migrants were screened and prioritised on the basis of two vulnerability assessments. The present study focuses on these last two vulnerability assessments.<sup>503</sup> This section provides an overview of IOM Sudan's policy within which these two vulnerability assessments fall: the MRRC.

### 10.2.1. GENERAL SCOPE AND OBJECTIVE OF THE MRRC

The MRRC in Khartoum was part of a broader effort by IOM to establish "one stop assistance points for migrants".<sup>504</sup> The MRRC in Khartoum was the first of its kind in Sudan but, during the research period, IOM was in the process of setting up a second centre in El Gedaref and considering further expansions to other parts of Sudan.<sup>505</sup> The MRRCs were part of IOM's efforts "to support the efforts of the Government of Sudan to promote safe migration, to equip migrants with information and knowledge to make informed choices, and to better address immediate medical needs of vulnerable migrants".<sup>506</sup>

The MRRC in Khartoum had been operational since October 2015.<sup>507</sup> According to the MRRC's Standard Operating Procedures, the main purpose of the MRRC was to "work[] with migrant communities and other stakeholders to provide information

<sup>501</sup> Field Note, 27–08–18.

<sup>502</sup> Field Note, 29–07–18.

<sup>503</sup> One the rationale underlying this focus compare Section 4.1.3.

<sup>504</sup> IOM, 'The Migrant Resource & Response Centre' <<https://sudan.iom.int/migrant-resource-response-centre>> accessed 30 December 2019.

<sup>505</sup> IOM, 'The Migrant Resource & Response Centre' <<https://sudan.iom.int/migrant-resource-response-centre>> accessed 30 December 2019; IOM, 'More Help for Vulnerable Migrants as IOM Opens Sudan's Second Migrant Resource Centre' <<https://sudan.iom.int/news/press-releases/more-help-vulnerable-migrants-iom-opens-sudan%E2%80%99s-second-migrant-resource-centre>> accessed 30 December 2019.

<sup>506</sup> IOM, 'The Migrant Resource & Response Centre' <<https://sudan.iom.int/migrant-resource-response-centre>> accessed 30 December 2019.

<sup>507</sup> IOM, *IOM MRRC Standard Operating Procedures* (April 2018), on file with the author, 1.

and services to vulnerable migrants in the Khartoum area”.<sup>508</sup> The services provided by the centre were: medical assistance (and/or referral), psychosocial assistance, Assisted Voluntary Return and Reintegration (AVRR).<sup>509</sup> In addition, the MRRC organised information sessions on, for instance, “the risks of irregular migration”, first aid or mental health and hosted “events and gatherings with members of migrants’ communities in Khartoum”.<sup>510</sup> IOM’s counter-trafficking activities in Khartoum were also channelled through the MRRC.<sup>511</sup>

### 10.2.2. TARGET GROUP AND IMPLEMENTING AGENCY OF THE MRRC IN KHARTOUM

In principle, all migrants were eligible for assistance at the MRRC. However, vulnerable migrants were prioritised in the assistance provision. In addition, although refugees and asylum seekers fall within the mandate of UNHCR and were therefore not eligible for assistance provision, the MRRC nevertheless provided assistance by referring them to the relevant agency (e.g. UNHCR/COR).

At the time of research, the MRRC did not directly work with government or other implementing partners. However, depending on the assistance a migrant required, the MRRC would either provide assistance directly (medical assistance, psychosocial assistance, cash assistance and AVRR) or refer the beneficiary to other assistance providers (e.g. civil society organisations providing legal support, specialised medical professionals or embassies) or community organisations (e.g. safe houses).

### 10.2.3. AMOUNT AND DURATION OF ASSISTANCE AT THE MRRC IN KHARTOUM

The assistance provided at the MRRC in Khartoum falls within the 2017–2019 Strategic Framework budget of US\$ 6.500.000 for identifying and US\$ 41.875.000 for assisting vulnerable migrants but, as already mentioned in Section 10.1.2, what amount of this budget was allocated to the MRRC in Khartoum remains unclear.

At the time of research, there was no official time limit to the assistance provided to an individual beneficiary at the MRRC in general. As such, migrants were always welcome (and encouraged) to approach the centre for medical, psychosocial or other

<sup>508</sup> IOM (April 2018) 1.

<sup>509</sup> IOM (April 2018) 1. Compare also IOM, ‘The Migrant Resource & Response Centre’ <<https://sudan.iom.int/migrant-resource-response-centre>> accessed 30 December 2019.

<sup>510</sup> IOM, ‘The Migrant Resource & Response Centre’ <<https://sudan.iom.int/migrant-resource-response-centre>> accessed 30 December 2019. Field Note, 02–08–18.

<sup>511</sup> IOM, ‘Counter Trafficking in Persons & Smuggling in Migrants’ <<https://sudan.iom.int/counter-trafficking-persons-smuggling-migrants>> accessed 30 December 2019. See also IOM (April 2018).

forms of assistance whenever necessary or to simply come to hang out, watch TV or chat with other migrants.<sup>512</sup>

Yet, the provision of cash assistance was restricted to a specific amount and duration.<sup>513</sup> As such, the total amount available for direct financial assistance to beneficiaries was 10 000 SDG/month (approx. 170 € at the time of research).<sup>514</sup> The provision of such assistance depended on available funds and had to be approved by the MRRC coordinator.<sup>515</sup> Cash assistance was provided for a maximum of three months in total but only for two weeks at a time “to ensure effective follow-up and review of the need for further assistance”.<sup>516</sup> The baseline amount granted to an individual eligible beneficiary was 500 SDG/two weeks but could be expanded to up to 900 SDG depending on the beneficiary’s family size.<sup>517</sup> This amount could be renewed upon a review of the beneficiary’s situation.<sup>518</sup> IOM did not work with ATM cards but provided the money in cash to eligible beneficiaries.

### 10.3. THE POLICY PROCESS UNDERLYING THE VULNERABILITY ASSESSMENTS AT THE MRRC IN KHARTOUM

#### 10.3.1. FEEDBACK LOOP BETWEEN VULNERABILITY ASSESSMENT DESIGN AND IMPLEMENTATION

The vulnerability assessment design and implementation phase for assistance provided at IOM’s MRRC in Khartoum can be distinguished but the two phases did not take place in complete isolation from each other. Instead, there seemed to be a continuous informal feedback loop between implementation experiences and respective adaptations in the vulnerability assessment design.<sup>519</sup> Hence, the vulnerability assessments discussed in this case study merely represents the policy in place at the time of the field research (August 2018) but might have evolved since then. However, similar to the previous case study, the subsequent chapters maintain the distinction between vulnerability assessment design and implementation to increase analytical clarity.

<sup>512</sup> IOM (April 2018).

<sup>513</sup> In addition, AVRRC can obviously only be granted once (because the person will then have returned to their country of nationality) and was subject to a separate procedure and eligibility assessment. Compare Chapters 7 and 8.

<sup>514</sup> This is the black market rate. Official exchange rates were kept artificially low which was why everybody was exchanging money on the black market.

<sup>515</sup> IOM, *MRRC Direct Assistance Criteria for Cash Assistance* (January 2018), on file with the author.

<sup>516</sup> IOM (January 2018).

<sup>517</sup> For each dependent, the eligible beneficiary’s bi-monthly amount of financial assistance was raised by 100 SDG. IOM (January 2018).

<sup>518</sup> IOM (January 2018).

<sup>519</sup> Field Note, 29–07–18.

### 10.3.2. THE ROLE OF HEADQUARTERS IN THE VULNERABILITY ASSESSMENT DESIGN AND IMPLEMENTATION

At the time of this research, vulnerability assessments were not only being discussed and developed at IOM in Khartoum but also at IOM's regional (East/North Africa) offices and at the IOM headquarters in Geneva.<sup>520</sup> Most respondents at IOM Khartoum were familiar with these other assessments and had already received trainings on these assessments by IOM's regional office and/or the headquarters.<sup>521</sup> While the regional insights had been gradually integrated into the assessments at the MRRC in Khartoum, respondents still anticipated the final version of the assessment that was being developed at headquarters. At least two respondents were somewhat sceptical about the extent to which the headquarters assessment would be useful and/or applicable to the Khartoum context.<sup>522</sup> In order to maintain analytical clarity and since the other assessments were still in an early stage, the subsequent chapters focus exclusively on the assessments that were developed and implemented at the MRRC in Khartoum.<sup>523</sup>

However, IOM headquarters also appeared to be relevant to the MRRC's work in more general terms. One respondent, for instance, elaborates:

"We have a lot of internal guidance notes [from IOM headquarters] and they are very detailed and specific. I don't really remember them even though at one point I read all of them but they relate to things like screening victims of trafficking, AVRR, evaluation thereof, monitoring, so I would say, when it comes to migrant protection and AVRR, IOM has a lot of internal guidance notes available and they [headquarters] also provide the necessary support through webinars and trainings and so on".<sup>524</sup>

When asked about whether the guidance by headquarters was more directive or supportive, the respondent replies:

"I would say both. Assistance is provided both by HQ [headquarters] and by the regional offices but in the end, I mean in the last year or so that I've worked with IOM, I have received both [directive and supportive assistance] from HQ and from the regional offices".<sup>525</sup>

The same respondent also explains how headquarters developments are influencing the vulnerability assessment design itself:

"[W]e are moving towards a broader understanding of vulnerability so that is also, you know, linked to this project [on vulnerability] at HQ. And some information has trickled down, I attended, for instance, a workshop on this particular [assistance to vulnerable migrants]

<sup>520</sup> Transcripts, IOM Respondents 5 and 8.

<sup>521</sup> Compare Sections 12.3.5 and 12.3.6.

<sup>522</sup> Transcripts, IOM Respondents 5 and 8.

<sup>523</sup> For a more general overview see Flegar (2018).

<sup>524</sup> Transcript, IOM Respondent 8.

<sup>525</sup> Transcript, IOM Respondent 8.

model a couple of months ago where we were provided with a first initial understanding of this new framework but I do think that it takes much more time to also incorporate it into the programming. And that's not something that would happen from one day to the next, I expect it to be quite a lengthy process. But I would say that we are at least in the process of changing the mindset [to a different understanding of vulnerability] but practically I think we are still more focused on categories [of vulnerable beneficiaries]".<sup>526</sup>

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<sup>526</sup> Transcript, IOM Respondent 8.



## CHAPTER 11

# THE DESIGN OF THE VULNERABILITY ASSESSMENTS FOR BASIC ASSISTANCE AT IOM KHARTOUM

This chapter presents this case study's findings regarding the design of the vulnerability assessments for basic assistance at IOM's MRRC in Khartoum. The chapter starts by describing the specifics of the vulnerability assessments themselves (11.1), subsequently outlines which administrative dilemmas respondents have struggled with when designing the vulnerability assessment (11.2), then highlights the contextual constraints perceived as relevant by respondents involved in the design of the vulnerability assessments (11.3) and ends with a short summary in the form of concluding remarks (11.4).

The findings presented in this chapter largely rely on semi-structured interviews with the four IOM employees that were or had been directly involved in the design and coordination of the vulnerability-focused basic assistance policy at IOM's MRRC in Khartoum. This includes all the relevant persons who were still working at IOM Khartoum at the time of my field research.<sup>527</sup> If the interview transcripts contained gaps on relevant information that I had come across during participant observation, I integrated this information through field note references. I attempted to present as much raw data as possible without making the text unreadable. Where quotes were relevant to several themes or concepts I merely used the quote once (usually where I found it to be most relevant) and subsequently referred to it in a footnote in other sections where the quote could equally have served to illustrate a certain point.

The personal/professional characteristics of the respondents did not appear to be particularly relevant for the findings presented below. As such, all respondents held similar coordination positions. Two respondents were men and two respondents were women. Two respondents were national staff and two respondents were international staff. Although the shared reference frame, background and English language capacity made it easier for me to receive useful and precise information from international staff, I found that, after more than one year of living and researching in Sudan, I was able to frame my questions to national staff in a way that allowed for a similar level of mutual understanding. This mitigated the impact of any possible divergences in this respect. Moreover, as explained in Chapter 4, I structured the interviews at IOM on the basis

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<sup>527</sup> Compare Section 4.3.5.

of my findings at UNHCR and on the basis of the themes and concepts outlined in Chapter 3 which further contributed to replies of similar depth among all respondents on all issues.

## 11.1. THE DESIGN OF THE VULNERABILITY ASSESSMENTS

This section describes the design of the vulnerability assessments used for the assistance provision at the MRRC in Khartoum. On the basis of policy documents, participant observation and interview replies, the section outlines the outreach and selection process (11.1.1) and the main eligibility and vulnerability criteria on the basis of which beneficiaries are screened or prioritised (11.1.2). This merely includes information on what is intended in the design of the vulnerability assessments but does not yet focus on whether and to what extent policy implementers adhere to this in their daily work.<sup>528</sup>

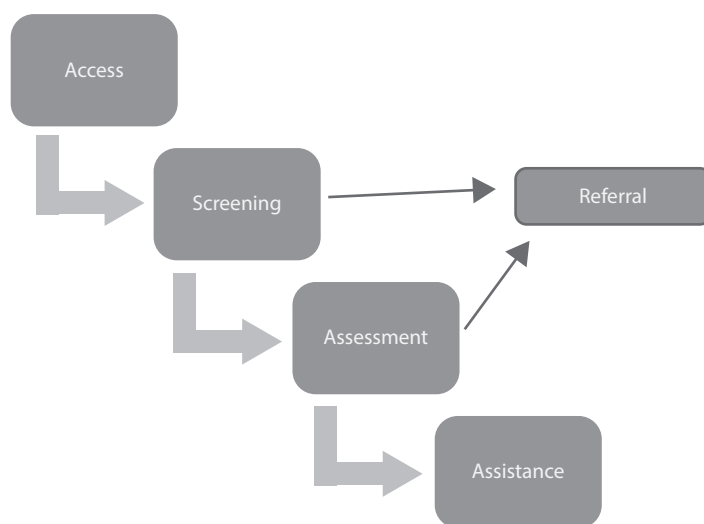
### 11.1.1. THE OUTREACH AND SELECTION PROCESS

The vulnerability assessments at the MRRC in Khartoum have two primary functions: 1) screening eligible beneficiaries and 2) prioritising who needs to be assisted most urgently. As Figure 2 below depicts, the outreach and selection process at the MRRC entails several steps that can be distinguished as follows:

1. Access: A potential beneficiary has to approach the MRRC and is then registered and forwarded to the case worker for the screening. Potential beneficiaries usually approach the MRRC because they were referred by their community or by other institutions, were identified through outreach activities or simply found their way to the MRRC themselves.
2. Screening: A case worker conducts a standard screening and vulnerability assessment in order to determine if the potential beneficiary is generally eligible for services and to which colleague (or, if not generally eligible, to which external institution) the person can best be referred to.
3. Assessment: Case workers conduct separate vulnerability assessments to determine a potential beneficiary's specific eligibility for medical services, cash assistance and/or Assisted Voluntary Return and Reintegration (AVRR). Case workers confer with each other on particularly challenging cases.
4. Assistance/Referral: The respective assistance is provided to eligible beneficiaries. Non-eligible beneficiaries are referred to another colleague or external service provider in an attempt to nevertheless assist them with their issue.

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<sup>528</sup> On the policy implementers' daily work see Chapter 12.



**Figure 2: Vulnerability Assessment Process for Basic Assistance at IOM Khartoum**<sup>529</sup>

#### 11.1.1.1. Stage 1: Access

As with most assistance providers, potential beneficiaries have to be aware of the existence of the MRRC and be able to physically reach it before any vulnerability assessment can be conducted. The MRRC relies on a combination of community referral, community outreach, referral from other institutions and walk-in.<sup>530</sup> When asked about the link between the outreach activities and the mitigation of vulnerability, one respondent explains:

“[T]he community role is to support their nationals and to refer those who are vulnerable or cannot get the necessary support through the community. So through these community members we identify the vulnerable people. Mostly those elderly people who cannot walk. They are in their homes in their beds. Even if they are aware of the services the MRRC provides they do not have the ability to reach it. Again, we look for the seriously exposed: some are orphans, some don’t have their families, some are large families who cannot cover their daily expenses. With the school committee, the school principal, one of the community members, one of the students and one IOM staff we select and identify those vulnerable and in need of assistance”.<sup>531</sup>

The respondent elaborates further:

“For outreach we work with our partners. Either migrant communities or active key members of the communities. If I said IOM staff reach all the vulnerable migrants during our

<sup>529</sup> Own figure based on IOM (April 2018).

<sup>530</sup> IOM (April 2018), 6

<sup>531</sup> Transcript, IOM Respondent 6. Compare also Sections 11.2.1.2 and 11.2.2.4.

outreach activities it would not be true. I may dedicate one day or a few hours to being in the community so that does not enable me to dig in the community to see who is most vulnerable. But there are key members, active members, there are community committees who work with their communities and can guide us to their vulnerable people. So if you see the outreach team are two or three people and do you know how many migrants there are in Khartoum? If we would say we cover all these communities this would be something not acceptable”.<sup>532</sup>

#### *11.1.1.2. Stage 2: Screening of Potential Beneficiaries*

According to the MRRC’s Standard Operating Procedures, the screening of potential beneficiaries at the MRRC in Khartoum aims to “gain a more thorough understanding of the needs of the client and to determinate the baseline eligibility for services available”.<sup>533</sup> The Standard Operating Procedures emphasise that, in addition to the needs potential beneficiaries might mention by themselves, “the interview may also provide an opportunity to identify needs that the client may not have brought up spontaneously, including mental health related concerns”.<sup>534</sup>

The Standard Operating Procedures identify five screening steps: 1) welcoming the potential beneficiary, 2) conducting the screening interview, 3) determining baseline eligibility, 4) “exercising readiness to listen and paying attention also to needs that may not be brought up spontaneously by the clients” and 5) referring the potential beneficiary to the reception for internal assistance at the MRRC or for referral to an external agency.<sup>535</sup>

#### *11.1.1.3. Stages 3 and 4: Further Assessment and Assistance*

If the outcome of the initial screening is that a potential beneficiary should be assisted internally at the MRRC, case workers conduct additional vulnerability assessments in order to determine specific eligibility for the service that is requested by a potential beneficiary. The assessments differ depending on the four main services a potential beneficiary can receive at the MRRC (medical assistance, psychosocial support, cash assistance and AVRR).

Medical Assistance: IOM Khartoum seeks to increase access to health care for migrants through primary health care provision by medical professionals at the MRRC and referral to specialised external service providers if required.<sup>536</sup> The eligibility is determined by medical professionals on the basis of a potential beneficiary’s health status. The present case study did not further investigate this type of assistance since this eligibility is not directly determined on the basis of vulnerability.<sup>537</sup>

<sup>532</sup> Transcript, IOM Respondent 6.

<sup>533</sup> IOM (April 2018) 2.

<sup>534</sup> IOM (April 2018) 2.

<sup>535</sup> IOM (April 2018) 3.

<sup>536</sup> IOM (April 2018) 4.

<sup>537</sup> Nevertheless, health conditions can obviously contribute to a beneficiary’s vulnerability.

Psychosocial Support: The MRRC seeks to assist migrants who express or show signs of fear, distress or other emotional difficulties to explore solutions to the individual's personal situation through counselling by a mental health professional.<sup>538</sup> If needed, this can also involve referral to a psychiatrist in consultation with one of the MRRC's medical professionals.<sup>539</sup> All migrants who went through the screening (Stage 2 above) are eligible for counselling if they so desires.<sup>540</sup> The present case study did not further investigate this type of assistance since this eligibility is not determined on the basis of vulnerability.<sup>541</sup>

Cash Assistance: Through cash assistance, the MRRC seeks to complement other types of assistance. According to the Standard Operating Procedures, cash assistance should be "carefully considered", "provided on an exceptional basis only" and "be avoided to the extent possible based on concerns related to sustainability and risk of dependency".<sup>542</sup> Eligibility is decided on the basis of the IOM Sudan MRRC Eligibility Criteria for Direct Assistance and on the basis of a case by case assessment of vulnerability.<sup>543</sup> The present case study did not further investigate this type of assistance provision since, at the time of research, cash assistance had been reduced to a minimum and no instances of the provision of such assistance could be observed during the research period.<sup>544</sup>

AVRR: The MRRC seeks to "provide[] migrants with an opportunity for a dignified return to countries of origin taking into account the migrants' decision, and allowing returnees to prepare for their return and re-establish in their countries of origin".<sup>545</sup> This type of assistance depends on three preconditions, namely that the return is voluntary, that the country of nationality accepts the return of the potential beneficiary and that Sudan is willing to support the process.<sup>546</sup> Eligibility of an individual beneficiary is determined on the basis of a separate vulnerability assessment for AVRR prioritisation (see below).<sup>547</sup> Potential beneficiaries can be rejected "due to resource limitations, low level of priority or other reasons".<sup>548</sup> The present case study focuses on this vulnerability prioritisation tool for AVRR in addition to the abovementioned vulnerability screening.

### 11.1.2. THE MAIN ELIGIBILITY AND VULNERABILITY CRITERIA

As the above steps of the selection process already indicate, the MRRC uses several types of eligibility assessments: a vulnerability assessment for an initial screening of potential

<sup>538</sup> IOM (April 2018) 3.

<sup>539</sup> IOM (April 2018) 3.

<sup>540</sup> IOM (April 2018) 3.

<sup>541</sup> However, it should be noted that psycho-social support plays an important role in assessing and addressing vulnerability.

<sup>542</sup> IOM (April 2018) 4.

<sup>543</sup> IOM (January 2018); IOM (April 2018) 4.

<sup>544</sup> Field Note, 18–02–18.

<sup>545</sup> IOM (April 2018) 5.

<sup>546</sup> IOM (April 2018) 5.

<sup>547</sup> IOM (April 2018) 5.

<sup>548</sup> IOM (April 2018) 5.

beneficiaries and several additional assessments for determining the (prioritised) eligibility for each service. As already indicated above, the present study only focuses on the initial vulnerability screening and on the vulnerability prioritisation for AVRR.

#### *11.1.2.1. The Vulnerability Screening*

IOM decides the general eligibility of potential beneficiaries who approach the MRRC on the basis of three basic criteria:

- The person is not a national of Sudan;
- The person is not registered with UNHCR/COR or the file at these organisations has been closed; and
- The person has been in Sudan for more than eight months (unless they are a victim of trafficking or have had a recent (i.e. less than eight months ago) SGBV incident or a life-threatening medical issue).<sup>549</sup>

The criterion that a person has to have been in Sudan for more than eight months is particularly intriguing: three respondents explain that this eligibility criterion was introduced so as to not encourage fraud by persons from neighbouring countries who would simply cross the border in order to receive these services and then return to their country of nationality.<sup>550</sup>

Once this baseline eligibility is determined, the case worker conducts the vulnerability screening. The vulnerability screening is designed to collect a broad range of information related to personal data, reasons for leaving the country of nationality and the potential beneficiary's journey to Sudan (including questions about any hardships and human rights violations experienced during the journey).<sup>551</sup> At the end of this screening the case worker can indicate whether the potential beneficiary has a specific vulnerability. The main vulnerability criteria in this respect are:

- Unaccompanied minor;
- Stranded migrant;
- Victim of violence;
- Health issues;
- Education;
- Single parent;
- Pregnant woman; and
- Single woman.<sup>552</sup>

No further explanation or definition of these criteria appeared to exist at the time of research. Case workers can tick as many of these criteria as they consider applicable.

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<sup>549</sup> Transcript, IOM Respondent 8.

<sup>550</sup> See Sections 11.2.1.1 and 11.3.3.

<sup>551</sup> Field Note, 31–07–18.

<sup>552</sup> Field Note, 31–07–18.

However, one respondent involved in the design of this vulnerability screening asserts (when discussing the content and value of the categories):

“[I]n the screening form our colleagues can select more than one category which I think is also something we might have to rethink. Not to limit it to one but to limit it to two or three as opposed to all of them”.<sup>553</sup>

In addition to categorising potential beneficiaries on the basis of vulnerability criteria, the screening seeks to identify potential victims of trafficking and SGBV survivors so as to refer them for a more thorough assessment and support by the in-house psychologist.<sup>554</sup>

11.1.2.2. *The Vulnerability-focused Prioritisation*

The vulnerability criteria for the AVRR prioritisation assessment are different from the vulnerability criteria in the vulnerability screening. Table 9 below provides an overview of the vulnerability criteria used for AVRR prioritisation.

**Table 9: Vulnerability Criteria for AVRR at IOM Khartoum<sup>555</sup>**

Group	Condition	Type of Vulnerability
<b>Health</b>	Physical and / or mental disability that inhibits independence and daily functioning	Extremely Vulnerable
	Demonstrated severe medical condition	Extremely Vulnerable
	Demonstrated moderate medical condition	Very Vulnerable
	Psycho-social disorder / trauma	Very Vulnerable
	Chronic illness	Vulnerable
<b>Women</b>	Women at risk of SGBV	Extremely Vulnerable
	Female headed household or single parent (no other support networks) with children	Very Vulnerable
	Pregnant women	Very Vulnerable
	Women exposed to exploitation (domestic assistant/begging)	Vulnerable
	Single woman/Widows/Divorced (examine wider resilience and support networks within host country, as well as access to sustenance, health care and justice mechanisms)	Vulnerable
<b>Men</b>	Stranded single male migrants	Vulnerable

<sup>553</sup> Transcript, IOM Respondent 8.

<sup>554</sup> Field Note, 31–07–18.

<sup>555</sup> IOM (January 2017).

Group	Condition	Type of Vulnerability
UMC <sup>556</sup>	UMC with no identified caregiver	Extremely Vulnerable
	UMC no notable conditions or disabilities	Very Vulnerable
	UMC at increased risk of exposure to exploitation or GBV	Extremely Vulnerable
	UMC with identified relatives/caregiver in host country	Vulnerable
Elderly <sup>557</sup>	Elderly (65+) without family support	Very Vulnerable
	Elderly (65+) with family support	Vulnerable
VoTs <sup>558</sup>	Dependent on type and duration of exploitation and ongoing impact on the survivor (incl. physical and mental health, lack of documents, nature of coercion)	Extremely/Very Vulnerable
Detention	Disability/Demonstrated severe physical or mental health condition or a survivor of SGBV	Extremely Vulnerable
	UMC or minors detained alongside family (increases the priority of the whole family)	Extremely Vulnerable
	Pregnant women/women nursing child	Extremely Vulnerable
	VoTs	Extremely Vulnerable
	Elderly (65+)	Very Vulnerable
	Prolonged detention (6 months +)	Very Vulnerable
	Detention (< 6months)	Vulnerable
	Legal	Vulnerable
Legal	Stranded irregular migrants	Vulnerable
	Lack of residence permit (detention risk)	Vulnerable
	UNHCR closed file (detention risk)	Vulnerable

The vulnerability assessment design does not mention any additional eligibility criteria but one respondent elaborates upon the prioritisation rationale which underlies these AVRR vulnerability criteria:

“Here we have categories, general categories. It doesn’t mean that they are vulnerable but we look at it. Once we see there is a large family size or we see single parent taking care of the children: in the situation of Sudan, if you have children and you want to work outside the

<sup>556</sup> This category is defined as: “A child (person under 18 years of age) who has been separated from both parents and other relatives and is not being cared by an adult who, by law or custom, is responsible for doing so/family tracing and legal guardian in host and country of origin should be conducted be conducted prior to the return”. IOM, *IOM Sudan Migrant Resource and Response Centre (MRRC): Criteria for AVRR Eligibility* (January 2017), on file with the author.

<sup>557</sup> This category is defined as: “Person above 65 years of age living alone, who do not have a spouse, children or relatives to take care of and is dependent on the community to care for them”. IOM (January 2017).

<sup>558</sup> This category is defined as: “Any natural person who is subject to trafficking in human beings/Conduct risk assessment in country of origin”. IOM (January 2017).



house, the children will beg you to not work outside. If you are single, you are in a difficult situation: you want to take care of your children and you also want to work: impossible. In addition, we see victims of trafficking and UAM, unaccompanied minors. In addition, we see, as I mentioned, undocumented migrants, stranded migrants. These are the categories. But within each category there will be a rank of who is vulnerable, who is most vulnerable, who is least vulnerable. Who is very vulnerable, that depends on the individual situation. For example, one pregnant woman might be vulnerable, another pregnant woman may not be vulnerable”.<sup>559</sup>

When asked a follow-up question about how to distinguish between two pregnant women, the respondent explains:

First, you see if the pregnant woman has a document. And other elements. But documentation is one. Then, whether someone has a home or has friends. So one has a place to stay, the other does not have any accommodation. Medical concern, if the one pregnant woman has a doctor and taking her medication and the other one has a need and does not have medication. So you see, there are other elements that you can consider when you want to see who is the most vulnerable pregnant woman. The same for VoT: I can be a victim of trafficking but once I escape the traffickers maybe I have connections, I have networks, they can easily accommodate me and give me support. So it means we don't have to assist them. If it is someone who doesn't have networks, who doesn't have linkage, who doesn't know the language of the country of destination or the country where he or she is, how to communicate, how to believe they are assisting, how to believe that these people are supporting him or her? So still you need a community that you can trust, this is the first thing you will be looking for.<sup>560</sup>

## 11.2. ADMINISTRATIVE DILEMMAS FOR THE VULNERABILITY ASSESSMENT DESIGN

The administrative dilemmas identified in this study reflect the procedural and substantive design and implementation issues that the respondents commonly encounter in their work with a vulnerability assessment and have an opinion on.<sup>561</sup> This section focuses on the administrative dilemmas respondents involved in the design of the vulnerability assessments for basic assistance at IOM's MRRC in Khartoum consider relevant for the assessments' design.

It remains challenging to disentangle all possible administrative dilemmas that might play a role and, due to the broad exploratory nature of this study, the below overview might not be comprehensive. Instead, as Chapter 3 explains, the study

<sup>559</sup> Transcript, IOM Respondent 6.

<sup>560</sup> Transcript, IOM Respondent 6.

<sup>561</sup> See Section 1.7 and compare Chapter 3.

identified and relies on three procedural and three substantive dilemmas as particularly insightful for this study's research question.

The procedural dilemmas for the vulnerability assessments relate to the respondents' preferences and choices regarding: 1) rigidity or flexibility, 2) feasibility or comprehensiveness and 3) under- or over-inclusiveness. In addition, the section on procedural dilemmas includes three potentially insightful 'other issues' that appear relevant for the mitigation of stigmatisation and stereotyping: the respondents' suggestions for balancing between rigidity and flexibility and between under- and over-inclusiveness as well as their arguments for the importance of a welcoming atmosphere.

The substantive dilemmas for the basic assistance relate to the respondents' preferences and choices with regard to 1) short-term relief and/or structural change, 2) control and/or support and 3) material needs and/or protection risks. Additionally, the section on substantive dilemmas includes three 'other issues' that appear relevant for facilitating socio-economic participation: the respondents' perspective on dependency and self-reliance and the respondents' references to benefits as well as to risks of community-focused assistance.

The preferences/choices regarding these dilemmas are not necessarily mutually exclusive. Instead, the respective perspectives and actual approaches adopted in the vulnerability-focused basic assistance can reflect an attempt to balance between the different possibilities.<sup>562</sup>

## 11.2.1. PROCEDURAL DILEMMAS

### 11.2.1.1. *Procedural Dilemma 1: Rigidity or Flexibility?*

All respondents involved in the design of the assessments at the MRRC in Khartoum were asked about whether they prefer a rigid assessment or one that leaves some flexibility. Three of the four respondents find rigidity important but simultaneously assert that some room must be left for exceptions and human judgment. One respondent, for instance, remarks:

"I do think that human judgement is also important, absolutely. So [...] I do think it is important to provide guidance and a general framework for the person to know 'ok, these kinds of – in the past categories and in the future hopefully more like a more general, broad understanding of vulnerabilities – fall more within the highly vulnerable case load and those more in the less vulnerable'. I do think these guidelines are important but at the same time we have to leave room for the case worker to also include his or her judgement. I do think so. I think it should be a combination of both".<sup>563</sup>

<sup>562</sup> Compare Section 14.2.

<sup>563</sup> Transcript, IOM Respondent 8.

Another respondent holds along similar lines:

“There should be human judgement. If I stick to the regulation I may not assist people who are in Khartoum for less than eight months. But you may find someone who is very vulnerable and has only been here for three months. He needs to go home. So if there is no room for exceptions, then we are not doing a good job: we have the rule so people don’t just come and return but this person wants to return and if I am confident the information is true I may not apply the criterion”.<sup>564</sup>

Simultaneously, however, the same respondent notes:

“Yes, some people they can raise a claim and some people can interpret for example if IOM is funding someone the ticket, and others see through their friends, this person is getting assistance and think ‘why this man is getting assistance? They are two Nigerians, from the same school, from the same region? Is it by emotion? Is it by..?’ So I believe to be professional, especially in selecting any kind of beneficiary, you have to have factors that you look at”.<sup>565</sup>

Another respondent similarly suggests:

“So the criteria we take as a standard but we cannot just stick to it. We stick to the general things but case by case we can provide support. Because we deal with human beings. So we should also give room to provide assistance to anyone who needs it. The only thing that is not flexible in a good way is dealing with refugees: refugees are complicated. They have to go to UNHCR or COR [Commission(er) for Refugees – the Sudanese government agency for refugee issues] and might not get the letter [that their file is closed] but for others we provide and we evaluate their case”.<sup>566</sup>

The same respondent also asserts:

“It depends on the case. We have general criteria which were developed by the unit but these criteria we just put it in front of us but we cannot stick to it in all cases. Because the vulnerability is different from case to case”.<sup>567</sup>

The respondent elaborates:

“So I think the vulnerability is different, it also depends on how the case worker deals with the case. But in general, if we have life-saving cases we deal with it also without considering, we forget about all these criteria and provide assistance immediately. Especially for rape cases, because we receive a number of rape cases and then we deal with it without any question. Because you cannot ask many questions, just we provide services and follow that. At the end we will look for the document but from the beginning we don’t – to not make it complicated”.<sup>568</sup>

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<sup>564</sup> Transcript, IOM Respondent 6.

<sup>565</sup> Transcript, IOM Respondent 6.

<sup>566</sup> Transcript, IOM Respondent 7.

<sup>567</sup> Transcript, IOM Respondent 7.

<sup>568</sup> Transcript, IOM Respondent 7.

Lastly, the fourth respondent appears more focused on rigidity and holds:

“I think it has to be standardised. It cannot be too much based on individual assessments and understandings of who should get assistance. The aim of the standardisation should be to minimise personal influence in the process. Only to a limit because of course the only one who faces the migrant is the person providing service, but somehow the matter of assessing should be harmonised”.<sup>569</sup>

#### *11.2.1.2. Procedural Dilemma 2: Feasibility or Comprehensiveness?*

All respondents involved in the design of the assessments were explicitly asked about whether they consider feasibility or comprehensiveness as a more important procedural characteristic of the vulnerability assessments at the MRRC in Khartoum. Three respondents appear to favour comprehensiveness (whilst largely underlining that feasibility remains important). One of these respondents asserts:

“If you just look at someone sitting in the chairs, how can you identify if they are vulnerable? So you have to follow an individual screening. And you have to check the elements that enable you to decide. Because all the people, if they come together, you don’t know. So it is good to have an individual assessment to identify individual needs”.<sup>570</sup>

Another respondent similarly remarks:

“I do think it is important to collect additional information that provides us with a broader understanding of where the person is coming from, what sort of challenges is he or she experiencing, what other needs are there, what has he or she experienced during the migration journey. Because it just provides us with a more comprehensive understanding of the case and really to identify [programming] gaps that we might have not thought of”.<sup>571</sup>

However, the respondent also explains:

“[W]e also don’t want to make the interview too long and while I do think it is important to collect data we don’t want to collect data just for the sake of collecting as much data as possible because we also have to make sure that we either use it for reporting purposes or for the general analysis of the context to understand, as we discussed earlier, gaps that we weren’t aware of before but I really think it is important to not overburden ourselves with data. So I mean last year, for instance, when we reviewed the screening form we did cut it down by a couple of pages because all the information is interesting to collect but the screening at the MRRC is different from, for instance, a survey. If you do research and you do a survey for a certain published study, for instance, it is fine to do an in-depth interview with the person. But we do know what information is required for us at the MRRC to make a decision of

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<sup>569</sup> Transcript, IOM Respondent 5.

<sup>570</sup> Transcript, IOM Respondent 6.

<sup>571</sup> Transcript, IOM Respondent 8.

whether someone is eligible and to determine the level of vulnerability. We kind of know what kind of information is needed. To add additional questions to the screening form I think is fine as long as we really understand what we are going to use it for. I think that is key”.<sup>572</sup>

Another respondent asserts:

“[A]t the moment we are in the process of revising our understanding of vulnerability because for the moment we still operate on a category-based understanding of vulnerability: single woman is vulnerable, victim of trafficking is vulnerable but now we are learning that this is not necessarily the most adequate understanding of human vulnerability: a person who might not be a single mother and might not be victim of trafficking and yet the person might be vulnerable. [...] We need to work on processes, on understanding vulnerability, in order to provide assistance to those who need it and in order to be able to prioritise better”.<sup>573</sup>

The same respondent also remarks (when discussing the relationship between IOM’s mandate and the vulnerability assessments):

“But what I am – without being completely aware of what is being developed [at headquarters] – expecting is methods which will allow a more comprehensive understanding of vulnerability as opposed to the traditional ‘victim of trafficking is vulnerable’-understanding because there might be people who have been exploited by smugglers who are more vulnerable than somebody that was trafficked and the reality is often more complex than what these terms sometimes allow”.<sup>574</sup>

Moreover, the respondent elaborates (when discussing whether it would be possible to develop an overarching assessment for all services):

“To some extent we need to develop different tools for different services because vulnerability in the context of medical assistance for example is different from that in the case of assisted voluntary return and reintegration. If we use the same criteria then we are sending the most medically unfit people back to their countries of origin and that is not ideal in view of their reintegration and starting their life again in their country of return. So necessarily understanding of vulnerability in the case of research or services will have to be different”.<sup>575</sup>

Yet, the respondent also notes:

“I think any such system or method should be as simple as feasible. Because we necessarily have colleagues with a variety of skills. If we think in global terms, the education levels between different countries vary so there is a lot of diversity in staff. So we cannot make it so theoretical and so complex that people cannot use it. It has to be user-friendly”.<sup>576</sup>

<sup>572</sup> Transcript, IOM Respondent 8.

<sup>573</sup> Transcript, IOM Respondent 5.

<sup>574</sup> Transcript, IOM Respondent 5.

<sup>575</sup> Transcript, IOM Respondent 5.

<sup>576</sup> Transcript, IOM Respondent 5.

Lastly, one of the four respondents does not seem to have a clear opinion on the dilemma between feasibility and comprehensiveness and merely asserts:

“[W]e are not willing to keep the migrant on our time. I remember sometimes the interview max. it takes 45 minutes. For me, I don’t remember any interview that took less than 25 minutes. Because the screening room is the main room where we encounter the migrant and we would like the migrant to feel relaxed to tell us what they would like to tell. Sometimes even they tell us information which is not necessary for us, which is completely not related. But we let them. Until they are finished so we get the information we need and deal with the case. But for me it is long, the form”.<sup>577</sup>

### 11.2.1.3. *Procedural Dilemma 3: Risking Under- or Over-inclusiveness?*

All respondents involved in the design of the vulnerability assessments at IOM’s MRRC in Khartoum were asked directly about whether they prefer risking an under- or an over-inclusive assessment. Three of the four respondents assert that excluding too many people is generally worse (thereby preferring to risk over-inclusiveness) and link this argument to a need for flexibility (i.e. procedural dilemma 1). In addition, three respondents underline that the choice in this respect also depends on resource availability. One respondent, for instance, asserts:

“For me it is better to assist people rather than exclude them. For example, a Sudanese came here claiming to be a Nigerian, for me it is better to assist the Sudanese than to leave the Nigerian unassisted. Let the benefit of the doubt be for the vulnerable people. I have doubt about your age, the benefit of doubt should be that you are still treated as a child. If there is doubt about your nationality and you can’t prove or disprove, let me consider you in your benefit. Instead of letting the vulnerable migrants suffer in Khartoum, assist. Do not let them be vulnerable. But the funding is another factor: for example, if I have a quota of people to be assisted with AVRR during the year, I may not apply this: I have to be careful to select the people because the quota is small. [...] But if you have enough resources you can apply the principle of the benefit of the doubt. If you have less resources, you have to be careful to do it and make sure to only select the eligible people”.<sup>578</sup>

Another respondent holds along similar lines:

“I don’t remember many people being rejected for services unless there is a major reason for that. But most of them when they come they get services. Except for AVRR, there we have stricter criteria. Because some of the migrants they only come here for trade or to visit their family and when they finish they would like to return through IOM. For those we are clear that we cannot provide them support. But anyone who comes to the MRRC is assisted. Even the ones I just mentioned, I also put them in the bimonthly report. Because some of them they come here and they are not eligible to get our services but we advise

<sup>577</sup> Transcript, IOM Respondent 7.

<sup>578</sup> Transcript, IOM Respondent 6.

them. Some of them we link with UNHCR, some we link with UNICEF, some we link with the Ministry of Social Welfare, even with the Ministry of Interior. Because many have simple issues but they don't know where to go. The only two nationalities which we really don't provide any services to are South Sudanese and Syrians. Because Syrians, now they get Sudanese nationality, it is easier for them. For those, we just advise them. South Sudanese because they are refugees and they have UNHCR so we cannot provide support. [...] But the criteria is the criteria. We only have these criteria and we use them as standards and then case by case, sometimes we have to even not look at the criteria if the case needs immediate support. I remember one case, an Eritrean woman, they came to me at the end of the day, at four thirty and tell me she has a problem. So I go with them and ask the doctor to not leave and the psychologist to stay. We get the story, we fill the form for her, we provide immediate support. We did not have an Eritrean community but we asked [...] to come and we paid for the Amjat [local taxi] to get her to the safe house. And we provided support. She is a refugee, she has a refugee card. But at that time we could not leave her like this. We broke the rules and provided immediate support. We reported it to the management and told them we used the money with the thought of IOM does not provide support to refugees but this is a special case so we forgot about the criteria. So it depends on the case".<sup>579</sup>

Another respondent similarly holds:

"To include too many people is a risk in terms of resource availability but if that is not a constraint, the bigger risk is to exclude people who would actually need the assistance. [...] In this I hope that we develop the best possible tools to use but we also need to have the best possible staff working on provision of assistance to vulnerable people. That is a management issue, recruitment-related question".<sup>580</sup>

Lastly, the fourth respondent elaborates upon the balancing act between both risks:

"I think you have to balance between the two [risks] and I think that will be one of the challenges, I mean I haven't seen the new system, but with the new system IOM is working towards. How do you balance between the two? [...] But I think here again, the judgement of the case worker also comes in again, I would say. So if, for instance, we define it too narrowly it is important that we have the right people in the team who also think outside the box. Who don't just look on their paper and think 'ah ok, that's the category and everything else that I might like personally, based on the interview, consider as a vulnerable case doesn't fit into the categories so I disregard it'. So I do think it also very much depends on the one hand on the judgement but then also on the support that that person receives from IOM. And I guess the same applies to when you define it too broadly. [...] Again it is linked to funding again, as well".<sup>581</sup>

<sup>579</sup> Transcript, IOM Respondent 7.

<sup>580</sup> Transcript, IOM Respondent 5.

<sup>581</sup> Transcript, IOM Respondent 8. On funding constraints see also Sections 11.3.2 and 11.3.3.

#### 11.2.1.4. *Other Issues*

When discussing the procedural dilemmas at play in the design of the vulnerability-focused basic assistance policy, several respondents not only mention the difficulties or their preference in this respect but also suggest measures on how to strike a balance between the potentially conflicting elements of some procedural dilemmas. This section therefore presents their suggestions for balancing rigidity and flexibility and for balancing the risks of over- and under-inclusiveness. In addition, several respondents emphasise the added value of a welcoming atmosphere for the vulnerability-focused basic assistance provision. Hence, this is the third ‘other issue’ on which this section focuses.

#### Suggestions for Balancing Rigidity and Flexibility

In addition to elaborating upon their general perspectives on the dilemma between rigidity and flexibility (see Section 11.2.1.1), all four respondents suggest ways to mitigate this dilemma. One respondent asserts:

“It [assessing vulnerability] cannot be a completely mechanical process. That’s why I am saying that recruitment plays an important role. You have to have people who understand the person who is sitting next to them and are ready to listen and to get out all that information that the person might not share in response to the standardised questions. So that requires sensitivity. There are things that people are not always taking initiative to talk about and we need to have colleagues in place who are able to also find out this sensitive information to the extent that it leads to service provision. Not for the sake of curiosity, but for sake of better assistance”.<sup>582</sup>

Another respondent remarks:

“I think, for instance, it is crucial to do regular training for staff just to ensure that we are really all on the same page when it comes to different definitions because the risk I think is also, I mean, for the interviews and the analysis to be subjective. And I don’t think it can be 100% objective, I think that is very difficult to attain [...] but I do think it would be important to maybe just cross-check some files, some cases, and discuss them regularly to just understand how the case worker and the Outreach/AVRR officers determine the vulnerability level”.<sup>583</sup>

Another respondent holds:

“Here the exception should be discussed by a committee: If I am a case worker and if I apply my judgement and someone else applies his judgement then the results might be

<sup>582</sup> Transcript, IOM Respondent 5.

<sup>583</sup> Transcript, IOM Respondent 8.



different. So if you have a case that does not meet the criteria, let a committee discuss and make an exception. If you go out of what is certain, you have to have another way that makes the things right or proper. So I believe you have to have exception decisions by a committee”.<sup>584</sup>

A similar remark is made by another respondent:

“Even if the case is complicated we cannot just reject them but we have a case management committee where we discuss cases without mentioning the name or nationality and ask the colleagues ‘What do you think? What should we provide?’ And then we agree and provide this. We do this if the case is complicated and the case worker is not sure what IOM can do”.<sup>585</sup>

### Suggestions for Balancing the Risks of Over- and Under-Inclusiveness

All four respondents perceive the balancing between over- and under-inclusiveness as closely related to concerns about potential fraud among beneficiaries and suggest several ways in which this risk can be mitigated. One respondent, for instance, remarks:

“Actually it is a very simple issue. If you work as a case worker, you can identify them [lying beneficiaries]. [...] Sometimes we even ask the same question in different ways in order to verify. I cannot say that there is no cases that came just to get services and hide something. [...] And some of them even have difficulties to give up this support. But for us, we follow them, we ask their story. Fortunately I stayed in Ethiopia for a long time so I know the country. [...] From this information we can see if he is lying or telling the truth. Because we know the area. [...] But because we tell them from the beginning you will get support from us. Whether you are eligible to get this support as a migrant or you are not. We provide you support but the type of support we will decide it together at the end of the interview, at the end of the screening. So if he is eligible to get the services at the MRRC, he can get it. If not, we advise him. We link them with an institution that can provide the service. So they are relaxed from the beginning because they know that they will not go without anything. [...] You know, there are only few of them who do not tell the whole story. Because the way in which we deal with them is so friendly. We don’t just stay behind our table and ask the migrant questions. We welcome them from the waiting area, we shake their hand, and take them until they sit and we close the door and then start. Sometimes, even if they need coffee or tea we bring it to them. [...] So we built trust between them and us and tell them we are here to support. Whether you are a migrant or refugee or anything else, we will provide you support so please tell us the story and we will provide. This is part of the technique that we use. Yes, we know, maybe, we cannot say there is no mistakes. Sometimes it happens. [...] But the percentage is very low. Maybe 2 or 3%. Not more than 5%”.<sup>586</sup>

<sup>584</sup> Transcript, IOM Respondent 6.

<sup>585</sup> Transcript, IOM Respondent 7.

<sup>586</sup> Transcript, IOM Respondent 7.

Another respondent holds:

“Of course, this [the risk of fraud] is something that is part of daily life in any place that provides a service. That is always something that happens and should be expected to happen. And in the case of money it is even more there. So this is also something that encourages us to consider [every case] very carefully”.<sup>587</sup>

When discussing the same issue, another respondent suggests:

“I do think that we should be transparent and that applies to, I would say, both the individual and the communities because things easily spread by word of mouth and I think when it comes to AVRRI I think it is important that we regularly engage with the community as well so that they understand how we work, how we analyse cases, based on what we make decisions so we avoid basically that rumours float in the air. But the same applies also to the individual. I am not sure at what point in the process this information should also be shared because I am not sure how this would look in practice”.<sup>588</sup>

Along similar lines, another respondent asserts:

“For both, for the people and for you as case worker, you have to ask what people can respond to: what is your education? Where do you live? How much are you paid? If the answer is they don’t have a home, can you help them? So you also have to be careful not to raise the expectations of the migrants that you cannot respond to. If your children are not at school, can you help in that? So you have to be very careful not to raise the expectations of the individual”.<sup>589</sup>

Yet, the same respondent also remarks:

“We don’t tell our criteria to the beneficiaries because maybe they memorise it and tell it to others or they may wait until their document expires because they know they will then be assisted. [...] If I tell you that I assist someone who is staying in Sudan for 5 months or 6 months or 8 months you may stay and I will come after 6 months”.<sup>590</sup>

### The Importance of a Welcoming Atmosphere

In different instances during the interviews, all four respondents emphasise the importance of a welcoming and relaxing atmosphere in order to facilitate the assessment of vulnerability and the related assistance provision.<sup>591</sup> When asked

<sup>587</sup> Transcript, IOM Respondent 5.

<sup>588</sup> Transcript, IOM Respondent 8.

<sup>589</sup> Transcript, IOM Respondent 6.

<sup>590</sup> Transcript, IOM Respondent 6.

<sup>591</sup> On IOM Respondent 7 see Section 11.2.1.3.

generally about the interaction with potential beneficiaries, one respondent, for instance, remarks:

“I think in the interaction there is a certain standard that should be applied like do no harm, the interviewer should be respectful, also bear in mind that the person might have passed through traumatic events so I think it is important for the case worker to also be sympathetic and do no more harm than has already been done. So I do think there should be a certain code of conduct for these interviews and then it is also, I think, really important to be transparent and to provide all the necessary information to the migrant in that case so that he or she understands how the process works so that they [potential beneficiaries] don’t have false expectations. [...] So I would say communication is really difficult so it is really important to be transparent and to also have language assistants of course”.<sup>592</sup>

When directly asked about the MRRC’s atmosphere, the same respondent also holds:

“I am always quite impressed that whenever we do the tour of the MRRC, whichever colleague you talk to, whether it is at the reception or the case workers, doctors: they are really conscious and aware of providing a welcoming atmosphere as well and to not put the person under more distress and I think, for me that is in the end also linked with the recruitment of the right people because we have to manage to also find who can do these interviews. Because you need to be, I think, patient and willing to listen, to give the person also time to respond. And it is fine that not everyone can do this but I do think that the MRRC colleagues are very conscious about establishing such a welcoming and trustworthy environment”.<sup>593</sup>

Another respondent asserts along similar lines when discussing what is most valuable about the MRRC:

“The well-being of the migrants needs a systematic approach. IOM has different subunits and the idea of the MRRC is to let migrants feel relaxed and only meet people who serve them and not meet other people who do other jobs”.<sup>594</sup>

The respondent elaborates:

“There is people who come with their friends and who come to watch TV and we have two computers so they can come for computers. But we are still looking into ways how to build a community centre, for them to sit and have a chat. I was also thinking about a library or a club. Migrants rent really small rooms and children need to study and so forth. So having a bigger space to relax can also help them to clear their mind and think through their problems. So this is also a service: somewhere to spend a few hours to relax and have a good time. We could even add small language classes”.<sup>595</sup>

<sup>592</sup> Transcript, IOM Respondent 8.

<sup>593</sup> Transcript, IOM Respondent 8.

<sup>594</sup> Transcript, IOM Respondent 6.

<sup>595</sup> Transcript, IOM Respondent 6.

When directly asked about the atmosphere at the centre, another respondent similarly notes:

“[W]hen we say the centre is based on its work with communities we also want to have the centre be a place which is like a community centre where people can come and feel welcome. They can come and watch TV, they don’t necessarily need to come to ask for a service and go home. And sometimes you see the same people come again and again, sometimes you see people taking a nap in the room, somebody is tired. So they go on the carpet in the room that is on the side downstairs and take a nap. [...] so this is completely something that is part of the idea and hopefully in the future with staff enforcements, as you can see we are at the moment recruiting, and with more staff, thinking together we can make the centre even more welcoming for people”.<sup>596</sup>

## 11.2.2. SUBSTANTIVE DILEMMAS

### 11.2.2.1. *Substantive Dilemma 1: Short-term Relief and/or Structural Change?*

All four respondents were asked about their perspective on how the basic assistance policy does and/or should contribute to short-term relief and/or structural change. All four respondents indicate that, while some activities are geared towards basic assistance, the overall aim of the MRRC is of a more structural nature. Three of these respondents do so before having explicitly been asked about this dilemma. One respondent, for instance, remarks when describing the MRRC’s biggest achievement so far:

“The MRRC is based on community outreach. Without interaction with the migrant communities in Khartoum there is not MRRC. So in that sense I always say that the community engagement is the heart of the centre. [...] And also the aim of empowering communities to provide assistance so that we don’t create a dependency on something like the MRRC. But whenever it is possible for the community to actually, through community resources, provide something we should not step in and provide it on their behalf but we should support them to get stronger in doing this and that’s what we also work on. And of course we fill a gap when it comes to access to medical assistance: not everybody has access to quality medical assistance and in this sense while there is no alternative available and within the limits of the resources available we are filling a gap: increasing the access of migrants to medical assistance”.<sup>597</sup>

Another respondent asserts (when discussing dependency):

“I think that MRRC is the most important unit in this country. And you cannot manage migration better unless you focus on the structural issues around it. You cannot do that.

<sup>596</sup> Transcript, IOM Respondent 5.

<sup>597</sup> Transcript, IOM Respondent 5.

But now people focus on the border but this [the MRRC] is the core that they should start from”.<sup>598</sup>

Similarly, another respondent holds (when discussing the meaning of vulnerability):

“So I think it is crucial to understand this general context and I mean if I now think about this new understanding of vulnerability which not only focuses on the individual level but also on the community and structural level and the structural level for me is then directly linked to migration governance. And I do think it is important to be aware of both the challenges but also the opportunities that exist in Sudan with the government”.<sup>599</sup>

Lastly, when explicitly asked about the dilemma between short-term relief and structural change, the fourth respondent notes:

“We are working to make our assistance community-based assistance. For example, to tailor the assistance to individual needs you will get problems: ‘why you are giving me and who are you to decide what to assist me’. And if you come, let me give you cash. Again, you are encountering dependency. Everyone is needing cash, everyone. So we encourage the communities to have safe houses for the most vulnerable to have accommodation and then even for migrants who don’t have accommodation it is better to pay rent to the community to accommodate a big number than to give an individual a certain amount of money. And you can ask the community to pay for half of that or maybe according to their resources. If the community has accommodation the migrant needing accommodation can go to the community. But if you want to give him 400 he may go to a hotel where he might have to pay the 400 for one night or how to figure out a place to rent, how the landlord can give unknown person a contract, so it may not be possible for them. So accommodation is important through the safe houses. Also with food, it is better to provide to the community. So accommodation and food through the community, this is the MRRC strategy”.<sup>600</sup>

Three respondents also emphasise the need to involve the government in order to achieve structural changes. One respondent holds in this respect (when discussing sustainability and structural change):

“But I do think that we can also further strengthen, for instance, the engagement with the Ministry of Social Welfare to also have a sustainable impact when it comes to the engagement of the government, of the state. So I think there is still room for improvement there”.<sup>601</sup>

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<sup>598</sup> Transcript, IOM Respondent 7.

<sup>599</sup> Transcript, IOM Respondent 8.

<sup>600</sup> Transcript, IOM Respondent 6.

<sup>601</sup> Transcript, IOM Respondent 8.

Another respondent similarly asserts: “And we should involve the government. We should support the government to provide the services. But here in Khartoum it is difficult to do this”.<sup>602</sup> The respondent elaborates:

“[I]f we look for sustainability we should involve the Ministry of Social Welfare at the state level and also in the country. The support should not only be training outside of Sudan. They just enjoy their DSA [daily subsistence allowance] and come back. But the support I am thinking about is: we should support them in planning, we should support the junior staff because they will stay for a long time. Not the VIP staff. Now all the training provided is just for the VIP staff: the Director General, the Deputy Director General, the Minister and they provide nothing, they don’t share the information”.<sup>603</sup>

Furthermore, the same respondent underlines the role of law enforcement in this context:

“But the vulnerability is different from person to person. But they are all vulnerable because there is no law to support them. Yes, there is an anti-trafficking law, in Gedaref they adapted it, we worked with them to adapt it under consideration of the specific situation of the state, but to make this law active it needs support: it needs support from the courts, from the police, from the detention”.<sup>604</sup>

Another respondent indicates (when discussing the MRRC’s exit strategy):

“It is clear that this is something from which we cannot just walk away but we are asking: can the government handle the MRRC and provide the service or not. The question is still: does the government of Sudan provide any assistance for Sudanese? If you go to the hospital, as Sudanese, you pay for the medication. But we are providing medication for migrants. So how can we consider the government that does not provide free assistance to the vulnerable nationals, can provide it to the migrants, the undocumented migrants. I don’t think this can be done in this situation. This is one”.<sup>605</sup>

When asked about the relevance of advocacy for the MRRC, the same respondent elaborates:

“At the moment, we don’t do advocacy but refer them to the legal aid providers or NGOs. So one of the things we did last year was with PLACE [a local organisation that provides legal aid] in order to build trust with the migrant communities we bring both here to the MRRC and we get the organisation to introduce what they are doing for the migrant community and the issues where they provide legal response. And we prefer, we don’t want to control or be the bottleneck for this: if they want to go directly to the legal aid provider – fine. If they want

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<sup>602</sup> Transcript, IOM Respondent 7.

<sup>603</sup> Transcript, IOM Respondent 7.

<sup>604</sup> Transcript, IOM Respondent 7.

<sup>605</sup> Transcript, IOM Respondent 6.

to go through IOM – fine. So the key members of the community can refer them to PLACE or they can come to IOM and we refer them. And also the organisation provides aid in direct communication with their beneficiaries instead of only through us or referral”.<sup>606</sup>

In addition, the respondent underlines (when discussing the MRRC’s challenges):

“We should have projects for example for eight years: first IOM, then collaboration with the government and then the government takes over. What is the future? How long will this project or this idea of the MRRC stay in Khartoum? If next year there is no funding, you are not sure: what will the situation of the community be? You let the people adapt a certain kind of response to their needs and without any long-term arrangement this will be a risk again. [...] So yes, it is established, but still we have to know how to exit and when or at least we have to have a clear target that this MRRC will be there”.<sup>607</sup>

#### 11.2.2.2. Substantive Dilemma 2: Control and/or Support?

The design of the vulnerability assessments and the Standard Operating Procedures for the MRRC in Khartoum do not contain any explicit monitoring and/or verification measures other than the requirement that cash assistance should only be provided for two weeks at a time in order to closely monitor the situation.<sup>608</sup>

When respondents were asked about the existence of any monitoring or verification mechanisms, they elaborate upon several instruments that are employed in some instances to verify whether potential beneficiaries are telling the truth and/or to follow-up on a beneficiary’s situation. One respondent remarks (when asked about what type of proof is usually required by potential beneficiaries):

“That depends on the service that is requested or required by the person. If it is AVRR; documentation is crucial because otherwise the person won’t be able to travel. But if it is medical assistance it is a bit more flexible and the same applies to psychosocial assistance”.<sup>609</sup>

Another respondent replies to the same question:

“We don’t visit their place, only if there are children to verify they are in a safe place. We don’t have any means to verify information and if you have this kind of doubt you cannot work. I mean what are we doing here? Health and return. Health: it will always go to the lab to be checked and in the lab. And for return: nobody can return to someone else’s country. But the degree of vulnerability: are you the right one to provide the ticket to or not? Here most of the people coming to the MRRC are really vulnerable. Nobody can just come like that because you are never sure if you get assistance or not. [...] How can someone stay for one month, pay the rent and other expenses just to get a ticket to Ethiopia? But within the few who are

<sup>606</sup> Transcript, IOM Respondent 6.

<sup>607</sup> Transcript, IOM Respondent 6.

<sup>608</sup> Compare Chapter 10.

<sup>609</sup> Transcript, IOM Respondent 8.

coming, you can distinguish between more urgent and less urgent cases. [...] I don't believe people are coming here trying to get a service they are not eligible to. [...] We ask for any ID card: tell me who you are. If you don't have an ID card, go to your embassy and get a letter [...] A woman going through AVR with a child: whose child is it? Tomorrow someone may come 'IOM took my child to someone else's country' so we do verification of birth certificates, travel documents, maybe, if the child is going without the father, the father's consent. We have a form you can sign. If the father is Sudanese and not willing to go to Ethiopia and they are fighting, we refer them to the legal aid. Through court we get declaration if the child may go or not".<sup>610</sup>

When asked about the specific documents which are usually being asked for, the respondent elaborates:

"Marriage certificates, birth certificates, declaration of the father for the child. Sometimes school certificates. Sometimes for UAM we ask for photo: the child is here in Khartoum, the family is in Ethiopia: how can they confirm that it is their child? So IOM there is going to the family to show the photo and we show the photo of the family to the child here".<sup>611</sup>

Moreover, when discussing the MRRC's outreach activities, the respondent notes:

"Here [at the community level] we have some checks: for example if I want to pay the school fee I have to know the child is studying at this school. Then he will be enrolled for this year but again monitoring applies. So IOM contributes the money so I want to see what is getting out of this money. So identification of vulnerability is through a committee of the school".<sup>612</sup>

In addition, the respondent asserts:

"The community should be involved and registered with the government either by their own or through the embassy. If you are gathering people and support them, what makes you different from smugglers? So if you don't have the registration and right documents you are vulnerable. If I am registered and well-known by the government the communities can prove they are authorised to do this. Or through another national NGO registration could also be possible if not other. Supporting people without monitoring is a risk: there should be a monitoring agent in the embassy or government or any other organisation. Once you give someone power you have to monitor. IOM does not do monitoring but it is about their own resources so there should be a monitoring mechanism from their own community, IOM cannot monitor the community's own resources".<sup>613</sup>

Another respondent remarks (when discussing the risk of fraud):

"[W]e try to build a good relationship with them [beneficiaries], we follow them, we call them many times, we ask how it is going, what their situation is, whether they are ok. Especially for

<sup>610</sup> Transcript, IOM Respondent 6.

<sup>611</sup> Transcript, IOM Respondent 6.

<sup>612</sup> Transcript, IOM Respondent 6.

<sup>613</sup> Transcript, IOM Respondent 6.



elderly people, we called them. [...] I remember one case who walked for five hours to get to the MRRC and when he entered the screening room he fell down because he was diabetic. So for those cases we support. [...] We also try to not build dependency on the MRRC but for some cases they need immediate support. Especially for the medical. [...] For most of those to whom we provide financial assistance we give them support for maximum three times. And we follow them, [the case worker] followed them. Because he even knows where they live and most of the times we can follow them. And we also talk to them so that they work as a group so they can support each other”.<sup>614</sup>

In addition, two respondents emphasise that the assistance provision at the MRRC in Khartoum is based on voluntariness.<sup>615</sup> One respondent, for instance, asserts (when discussing IOM’s mandate): “*we are not saying ‘Go home!’ [to your country of nationality], but you have the option to go if you want*”.<sup>616</sup> Another respondent similarly holds (when elaborating upon the assistance provision to victims of trafficking):

“We cannot, for example, decide on anybody’s behalf that they need to be counselled. The voluntariness, in response to your other question [about central values], is another of our key principles”.<sup>617</sup>

### 11.2.2.3. Substantive Dilemma 3: Material Needs and/or Protection Risks?

All respondents involved in the design of the vulnerability assessments at the MRRC in Khartoum were asked about how they would define vulnerability. All four respondents link vulnerability to both risk and need. One respondent, for instance, holds:

“Vulnerability means, it can be a situation where one is in a position to need help, or he cannot make it himself or herself. Whether it is travel or treatment, the person cannot assist herself. [...] if someone is not regular, without documents, he is at risk to be detained or deported. So the status of your stay in the country is one category that we look at. The second is the need, if I am an irregular migrant and I have the means to return home or to regularise the status you are not vulnerable. If my status is irregular and I also don’t have the means, still I am vulnerable. Again with support, I don’t have the means in every situation can any relatives or friends of family in the country of origin support me? So if you are in a situation where you can receive support you will be vulnerable for the duration of time until the support reaches you. But if you don’t have the status and you don’t have the means and you don’t have the support then you are still more vulnerable”.<sup>618</sup>

<sup>614</sup> Transcript, IOM Respondent 7.

<sup>615</sup> Field note. Compare also Section 11.2.1.4.

<sup>616</sup> Transcript, IOM Respondent 6.

<sup>617</sup> Transcript, IOM Respondent 5.

<sup>618</sup> Transcript, IOM Respondent 6.

Another respondent remarks upon the same question:

“So if I would like to define it [vulnerability] in a simple way, it depends on the nationality, it depends on the gender, it depends on the age and also it depends on the case which is happening to the person [the situation the person is in]”.<sup>619</sup>

When specifically asked about whether vulnerability is more need- and/or risk-related, the respondent replies:

“Both of them. Because sometimes if there is a migrant coming to me and says she has difficulty with her husband. I remember one case, she came and said that her husband forced her to have sex with people in order to support her. And if she didn’t do that maybe he would kill her or her baby. So now the situation is difficult. She also needed medical support which we provided. We also provided psychosocial support and I talked to her husband. I went to his house, IOM did not give me money to visit him but I just did it. I told him this is not allowed, if you are Christian or Muslim, it is not allowed. And it is not a habit, I stayed in Ethiopia for two years and people in Ethiopia don’t do this. You should be a man and I talked to him like that. He said ‘ok, but I don’t have a job’. So I supported him to find a job and also gave his wife cash support under the Swiss project and now she works as a tea maker”.<sup>620</sup>

Another respondent asserts (when asked about how to define vulnerability):

“For me vulnerability, that’s a good question actually, because there is not really a definition for it. But for me it should take into consideration different aspects of a person’s life so not only individual factors but also factors related to the household of the individual as well as the community and the structural level. So for me vulnerability should look at these different factors coherently in order to really get an understanding of not only the risks and the challenges an individual is experiencing in his or her life but to also understand this in the broader context in which he or she is living. But it is quite difficult to put it into words I have to admit. But then again it also relates to different aspects in terms of medical needs, psychosocial needs, the socio-economic situation the person is in. So for me it would really be about a coherent understanding of all of these aspects”.<sup>621</sup>

When specifically asked about whether vulnerability is more needs- and/or risk-related, the respondent replies:

“I think it should be both. You should look at risks and needs and at the same time, and this is really something that I’ve learned in the last couple of weeks, that we, not only at IOM but also in other organisations, that we focus very much on vulnerability in terms of risks and needs or risks a person is exposed to and the needs that come with it but we don’t really regard or take into account or analyse the protective factors a person has. Again at all those

<sup>619</sup> Transcript, IOM Respondent 7.

<sup>620</sup> Transcript, IOM Respondent 7.

<sup>621</sup> Transcript, IOM Respondent 8.

levels: individual, household, community level. But coming back to your question: I think it should be both, looking at risks as well as needs because they also inform each other so you need an understanding of the risks in order to understand the needs of the person. [...] For instance, if you work households in economic livelihoods programmes it is important to understand the needs of the family in that case. So to understand for instance that if the father has a medical condition that prevents him from working he then has special medical needs and the family, as a result of these medical needs, is exposed to certain risks. But at the same time I think it is important to understand the risks the family might be exposed to at the community level: if they are for instance of a minority group it is important to also understand this because this then in turn also has an impact on the support that should be provided, or the needs and then the support that should be provided, to the family. So in this case this should then be linked to understanding their integration within the community because it puts them at a heightened risk of maybe not getting a risk in that community so it is important to understand both”.<sup>622</sup>

Upon the same question, another respondent similarly notes:

“Possibly both. Possibly a wide range of things to be taken into account. Including family background, cultural factors, context, places people are living in, experiences they have had. A range of things. [...] It can also be a risk for people when we consider them vulnerable as opposed to considering them capable of doing things. That is the risk of a focus on vulnerability. So in that sense I think it is important to think of human beings beyond the concept of vulnerability and to understand, to find the strength in everybody to keep on”.<sup>623</sup>

#### 11.2.2.4. *Other Issues*

When discussing the substantive dilemmas at play in the design of the vulnerability assessments at IOM’s MRRC in Khartoum, several respondents not only mention the difficulties or their preferences with regard to these dilemmas but also discuss the role of dependency and self-reliance as well as, somewhat related to this, the benefits and risks of a community focus. This section outlines the respondents’ perspectives on these issues.

#### Dependency and Self-Reliance

All four respondents involved in the design of the vulnerability assessments at the MRRC in Khartoum refer to concerns about dependency and/or to the desire to activate potential beneficiaries. One respondent, for instance, remarks (when discussing the ideal vulnerability assessment design):

“Here [at the MRRC] we ask about the problems they face, what the situation is now, what support is needed from us and how we can provide this support and how you can survive

<sup>622</sup> Transcript, IOM Respondent 8.

<sup>623</sup> Transcript, IOM Respondent 5.

without us. Because all the migrants, all the services we provide to them we cannot continue to do that. Just maybe you can provide support two or three times but we cannot continue. So you should also think about how you can survive by yourself”.<sup>624</sup>

When explicitly asked about dependency, the respondent holds:

“So when we screen these migrants, before we provide financial support we have a business plan for them: what would you like to do? I remember some of them produced Injera [traditional Ethiopian pancakes] and we support them. It is not part of our job description but we support them because we feel they are human beings and should be supported. So we linked them with different shops and now they deal with them [i.e. do business with them]”.<sup>625</sup>

When discussing the amendments that were made to the vulnerability assessments to fit the Khartoum context, another respondent asserts:

“We are providing 400 SDG for two weeks for the single beneficiaries or vulnerable migrants. This was calculated on the basis of the idea that if a migrant gets a job and works in Sudan, the average salary they get is from 1500 up to 2000 SDG per month. This means this amount of money enabled them to accommodate themselves, to feed themselves and to have a little bit extra. If you want to support someone, you cannot give him 100% his salary. You are enabling me to save and not only supporting me. So support has to be either half or maximum a bit more than half of the salary. I am not giving you money to save. I am giving you money to survive. That’s why we pay 800 per months but we give it for two weeks each time. Why two weeks? Because the situation might change”.<sup>626</sup>

Another respondent holds (when discussing the MRRC’s biggest achievements):

“I think it [vulnerability] is necessary when we prioritise assistance but necessary only as a starting point. People as individuals should not be considered exclusively as vulnerable because that can lead to not recognising the strength in them. Of course in the context of humanitarian assistance it can be said to lead to dependency if assistance continues and continues. We try to avoid it. That’s why we work with communities”.<sup>627</sup>

Another respondent, when directly asked about the issue of dependency, asserts:

“I think at the MRRC we are really trying not to make people dependent upon the services we provide at the MRRC and again I think here the engagement with the communities comes in because – and in Gedaref with the government as well – I think here in Khartoum this constant engagement with the communities allows us to strengthen them and to not make

<sup>624</sup> Transcript, IOM Respondent 7.

<sup>625</sup> Transcript, IOM Respondent 7.

<sup>626</sup> Transcript, IOM Respondent 6. On the worth of the SDG amount at the time of research see Section 10.2.3.

<sup>627</sup> Transcript, IOM Respondent 5.

them dependent on us, on our funding, but instead to look into different ways to mobilise resources internally within the community. When it comes to the individual I think, for me it is a concern with the cash assistance but the cash assistance is also very very low, I don't recall the exact amount we distribute per month, but we also don't want to encourage people to approach us for cash assistance because once we open this door I think it will be very difficult to close it again".<sup>628</sup>

In addition, the same respondent notes (when discussing implementation challenges at the MRRC):

"[S]ometimes it might take a couple of weeks [before a person can return] and opposed to just waiting, [...] if you have a good understanding of the labour market in the country of origin and of the skills the person brings, you could maybe, as an agency, as IOM or as part of the MRRC programme, support the person to also strengthen these skills. So when he or she goes back to his or her country of origin, I think, this would also facilitate the socio-economic integration upon return".<sup>629</sup>

### Benefits of a Community Focus

All four respondents emphasise the added value of a community-focused approach for the provision of basic assistance to vulnerable individuals.<sup>630</sup> One respondent, for instance, holds (when discussing the implementation challenges of the vulnerability assessments at the MRRC):

"[T]he engagement with migrant communities, I think, will allow us to have a sustainable impact in the long-term. [...] The easiest would be the Ethiopian community because it is one of the biggest communities and they are relatively well-organised which is definitely a strength [...] I think it is the Somalian and the Ethiopian communities whom we supported to get access to migrants in detention. So they were already providing assistance to vulnerable members of their community but they didn't have this access to these migrants in detention but they did have the means to provide the assistance. So we could kind of fill this gap, just basically establishing the contact. But of course it is not that straightforward, it takes a lot of back and forth and it is not the easiest thing to get this access to detention. But, you know, we did it together and this way we achieved it".<sup>631</sup>

Another respondent remarks (when discussing dependency):

"Generally now [due to an IOM project], the Ethiopian community has a training centre where they can support and train people in sowing, computer, handmaking [handicrafts], and mobile maintenance. These are the areas that can make money for them and it is easy for them".<sup>632</sup>

<sup>628</sup> Transcript, IOM Respondent 8.

<sup>629</sup> Transcript, IOM Respondent 8.

<sup>630</sup> On IOM Respondent 5 see Sections 11.2.2.1 and previous sub-section under 11.2.2.4.

<sup>631</sup> Transcript, IOM Respondent 8.

<sup>632</sup> Transcript, IOM Respondent 7.

The respondent also mentions (when discussing the differences between Khartoum and El Gedaref):

“Because what we do to identify the vulnerability, we work with the communities because they know them. They refer to us the primary victims of violence. Just to identify them, the general. But the specific points of vulnerability we identify at the MRRC. So it is complicated”.<sup>633</sup>

One respondent is particularly elaborate on the MRRC’s community focus. When being asked about the MRRC’s biggest value, the respondent asserts:

“So we are helping, organising and structuring scattered people to see we are one. We are nationals of this country. We can support each other. For those who are vulnerable, if tomorrow the MRRC is closed, the assistance by the communities will not stop, they will continue, they will continue seeking for resources in order to respond to provide the maximum of assistance. This also sends a message to the government: These people are here, they are willing to return, the government slammed the door when they were here and they don’t want. If there is some agent or organisation that can be a solution for both. The key is collaboration with the government by the MRRC, the communities, the individuals. So on this matter, I think we are doing a good job”.<sup>634</sup>

When elaborating upon the MRRC’s exit strategy, the respondent asserts further:

“I believe the migrant community if they get structures and organise themselves and their resources, even if they are not providing 100% of what is needed, they can provide 50% of what we are doing. The Ethiopians have restaurants, providing income to their community, and they also have monthly contribution to the community, they have membership card, every member of the community pays 5 SDG per month. Others with more income pay more than that. So this income will be invested in the vulnerable migrants, if someone has to go back urgently they can pay a ticket and they accommodate people. So if they continue doing this, they can continue to provide support to their nationals. [...] So if the community secures the resources and assigns people and trains them it can work. So what we are doing now is to try to train the community to understand that there is a role that they can do. In addition, we are building the capacity of this community in order to have these things in the right way, in the proper way, to not have any clashes with the government or with their own embassies. So we are building their capacity to understand and identify who is in need of help. [...]. So we are bringing the communities to get recognition, to get support of the government. So what we did is a small thing. We brought these people together and then they do the other part of the job. We believe this is big for them”.<sup>635</sup>

<sup>633</sup> Transcript, IOM Respondent 7.

<sup>634</sup> Transcript, IOM Respondent 6.

<sup>635</sup> Transcript, IOM Respondent 6. On the worth of the SDG amount at the time of research see Section 10.2.3.

In addition, the respondent elaborates (when discussing IOM's mandate) how this community focus is related to the welcoming atmosphere the MRRC seeks to create:

"The MRRC is specified for migrants, not only for services, they can also come here as community to discuss and solve their problems. We don't want to solve all problems ourselves but we want to encourage them to solve their own problem and facilitate them. There is a chain of things: awareness-raising – migration – risks of migration –vulnerability. Nobody is born vulnerable. The awareness-raising is part of preventing vulnerability to happen. Migrants are more vulnerable because they don't have a system like family, community, tribe. Instead of only being based in organisations, they should also provide community support. A migrant also faces cultural differences that can even bring you into jail, like [drinking] wine, so there should be some cultural orientation in the host country. So we can also invest in the national communities to minimise the risks and vulnerabilities of the migrants because many people they don't want to go to offices but they can learn through the informal way".<sup>636</sup>

### Risks of a Community Focus

Although all four respondents emphasise the added value of the MRRC's community focus, three respondents also point to potential risks in this respect. When discussing the issue of dependency, one respondent, for instance, notes:

"And what we do now we support the communities but there is a conflict in that because Ethiopians and Eritreans they are in competition with each other and there is a mistake we made because the ownership of the community, first we thought to only support one community but in the end we thought we can support another community. So the number of the computers, printers and machines is not the same from what we promised. So this caused a conflict. But this is the only main weakness that happened with that project".<sup>637</sup>

When discussing the MRRC's exit strategy, another respondent points out:

"Other communities they lack the capacity of many people and resources, they lack the volunteers who would be dedicated to that work and they don't have the skills to handle things. They are not committed for the long term: 'I come and I can work for one month in the community but I cannot continue working for the community'. 'I may give money this months because I have good income but another month I may not have'".<sup>638</sup>

When specifically asked about the risks of a community focus, the same respondent also remarks:

"Some migrants need to be treated professionally, for example VoTs. Because they are not aware of how they treat those people who have been abused. So they know they need to have

<sup>636</sup> Transcript, IOM Respondent 6. See also Section 11.2.2.1.

<sup>637</sup> Transcript, IOM Respondent 7.

<sup>638</sup> Transcript, IOM Respondent 6.

basic things: food and accommodation. They can respond to this. But the psychosocial needs of the migrants maybe in the long-term they can provide it but at this time we still need to help specify people who handle the safe houses, who get continuous training, deal with the different vulnerabilities”.<sup>639</sup>

In addition, two respondents emphasise that it is important to pay attention to power structures within the communities. One of these respondents asserts (when discussing the risks of the community focus):

“You might find communities with representatives from one region or you find from one ethnic group or from one religion. So, for example, if you look at Nigeria, most of the people who are in Sudan or who work with IOM are Hausa, so we try to tell them to diversify their committee: men, women, different religions, different regions. And you have to have all the people and make sure all are represented, not just have one group and work with them and think they are all the nationals. In this matter, the Ethiopian community is well set-up: they have different regions in the committee: one from Tigray, one from Amharic, one from Oromo. I don’t think this is good enough but still there is diversification. And here, this is another issue out of this, I want the different colours, [...] they have every right to talk on this committee. But we have to build the capacity of the people in the committees. Every two years they change the committee, they elect people [...] But still, what is our backup plan for this? We work with individuals, key members, active members. If one migrant has a problem and you only work with the community this is not enough. So there are active people who work in the community and they can refer people to us and we can then refer them to their community to get support. Some people have protection concerns, they do not want to go outside. If you only focus on the community these people might be neglected. So we have key members. At the beginning of the year we have the formal committee, we have key members, we have the walk-in option for the migrants”.<sup>640</sup>

Another respondent similarly holds (when asked about the risks of a vulnerability assessment):

“I think maybe one example is when we work with the communities we are in touch with different representatives of the communities: you have community leaders, community representatives, community volunteers and I think it is important that we engage with, and we do, with all those different representatives, if I want to term it broadly, of the community to ensure that we really take into consideration all vulnerable member that exist in the community because maybe, you know, the community committee focuses on a certain, I don’t know, a certain area in the community. Just as an example. And we don’t want to focus exclusively just on that area but we want to approach or address the needs of the community more broadly”.<sup>641</sup>

<sup>639</sup> Transcript, IOM Respondent 6.

<sup>640</sup> Transcript, IOM Respondent 6.

<sup>641</sup> Transcript, IOM Respondent 8.



### 11.3. CONTEXTUAL CONSTRAINTS FOR THE VULNERABILITY ASSESSMENT DESIGN

This section outlines to what extent and how the respondents involved in the design of the vulnerability assessments for basic assistance at IOM's MRRC in Khartoum perceive contextual constraints as relevant for the design of the assessments. In this study, contextual constraints are defined as the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy.<sup>642</sup> The section relies on the six contextual constraints outlined in Chapter 3, namely the perceived role of 1) IOM's mandate and international legal obligations, 2) financial and resource constraints, 3) the international community, 4) the operational environment, 5) previous experiences and 6) the organisational structure and culture.

#### 11.3.1. THE ROLE OF IOM'S MANDATE AND INTERNATIONAL LEGAL OBLIGATIONS

All respondents involved in the design/coordination of the vulnerability assessments at the MRRC in Khartoum were asked about the role of IOM's mandate and international legal obligations (especially human rights) if they had not already mention these elements by themselves throughout the interview. All four respondents consider IOM's mandate and/or international legal obligations as somewhat relevant to the vulnerability assessments at the MRRC. When discussing who is eligible for IOM's assistance, one respondent, for instance, asserts:

"They [potential beneficiaries] come and from the beginning they tell you they are refugees but they did not get an opportunity to meet with COR [Commission(er) for Refugees – the Sudanese government agency for refugee issues] and 'Please, can you refer us to the right person' and we say 'Ok, we can refer you, we can ask them to support you because you are not under our mandate'".<sup>643</sup>

When explicitly asked about the relationship between IOM's mandate and the vulnerability assessments, another respondent remarks:

"This is sort of IOM's mandate. Vulnerable people, they don't know where and how to get assistance. If you say refugees, they have UNHCR, nationals, they have the government, regular migrants, they come according to a certain calculation and they decide to come. In-between, the situation changes, some of these regular migrants become irregular, some they come through smugglers or traffickers where they have been given a certain picture but then they face a different reality. So [for] these people, migration continues, always continues. So if you don't have assistance, foresee the problems and be ready to respond to their needs –

<sup>642</sup> See Section 1.7 and compare Chapter 3.

<sup>643</sup> Transcript, IOM Respondent 7.

migration cannot be stopped, ok? So when the migration also includes vulnerable people and these vulnerable people they may be lost in-between governments, between countries, so I think this is the mandate of IOM to help those”.<sup>644</sup>

Another respondent replies to the same question:

“I would say that at the moment there is more focus on the protection aspect at the MRRC. And I do think that the activities that we do at the MRRC, the services we provide, the data we collect informs, you know, the activities and programmes which we implement more on the side of migration governance. But I do expect, I do think that with the new [vulnerability] framework that we are developing at the global level there might be, it might change in the future. Because if we look at all the different levels, not just solely on the individual level, and I am not just talking about the screening by the case worker but I think with the new assessment, again the mindset will change a bit and we will think more broadly and this will then also have a direct impact on the extent to which we at the MRRC also work towards and support migration governance activities of IOM”.<sup>645</sup>

When specifically asked about the role of international legal obligations, the same respondent holds:

“I think that [international legal obligations] is certainly something that should also be part of it [the vulnerability assessment design] and also concepts like do no harm, I can’t think of any other concept at the moment but there are a lot out there”.<sup>646</sup>

Lastly, the fourth respondent does not explicitly refer to IOM’s mandate but similarly underlines the importance of the humanitarian ‘do no harm’ principle.<sup>647</sup> When asked about the relevance of IOM’s mandate or human rights for the vulnerability-focused provision of basic assistance, the respondent replies: *“I don’t know how to answer this question. Needs. Needs-based assistance. Non-discrimination of course”*.<sup>648</sup>

### 11.3.2. THE ROLE OF FINANCIAL AND RESOURCE CONSTRAINTS

Without explicitly being asked about it, all four respondents emphasise the role of financial and resource constraints for the vulnerability assessments at IOM’s MRRC.

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<sup>644</sup> Transcript, IOM Respondent 6.

<sup>645</sup> Transcript, IOM Respondent 8.

<sup>646</sup> Transcript, IOM Respondent 8.

<sup>647</sup> Transcript, IOM Respondent 5. On the humanitarian principles compare, e.g. UN Office for the Coordination of Humanitarian Affairs, ‘What Are Humanitarian Principles?’ <[https://www.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples\\_eng\\_June12.pdf](https://www.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples_eng_June12.pdf)> accessed 30 December 2019.

<sup>648</sup> Transcript, IOM Respondent 5.

One respondent, for instance, asserts (when elaborating upon how the vulnerability assessments at the MRRC in Khartoum came about):

“So the criteria were basically developed in order to prioritise cases in the case of limited resources which often happens so based on those documents then it is a little bit easier, not easy, but a little bit easier and more straightforward for staff to make decisions. If resources are limited, then the focus is on those with higher vulnerability and if resources are more, then you can go and assist others also”.<sup>649</sup>

When discussing the MRRC’s challenges, another respondent similarly holds:

“So there is a range of needs, we only fix that which as MRRC and AVRR we can do but still there are gaps. One reason for that are the resources: how continuous is the funding of the MRRC? IOM is project-based, one year, two years, three years. To plan for long-term, [ideally] let’s have the MRRC for seven years, after seven years let us maybe give it to the government, such a plan. But here, we have short plans”.<sup>650</sup>

Another respondent remarks along similar lines (when discussing how vulnerability is both risk and needs-related):

“I followed up [on a beneficiary’s case] to get them an immigration ID card and they got it and from their work they paid 200 SDG to get a work permit and now they have it. I visited them three times, [...] in order to ensure they were ok. But this is personal effort. But we need institutional effort. This can be done but it needs more fund, more resources for the MRRC. It is not only a financial issue but it also needs human resources. And it needs a clear plan in order to provide. So one MRRC in Khartoum is not enough to cover that”.<sup>651</sup>

One respondent is particularly explicit about the role of funding and resource constraints and mentions four ways in which IOM’s funding is related to the vulnerability assessment design. First, when discussing IOM’s accession to the UN system, the respondent remarks:

“I think with the focus on migration also at the global level we also started receiving a lot more funding which meant that we also have to rethink internally whether procedures make sense and whether there is a need to maybe be a little bit more bureaucratic”.<sup>652</sup>

Second, when discussing the different types of vulnerability assessments at the MRRC, the respondent asserts:

“I would say also funding comes into play because, of course, if we have more funding available we can respond to the needs of more people so not only include highly vulnerable

<sup>649</sup> Transcript, IOM Respondent 5. See also Section 11.2.1.3.

<sup>650</sup> Transcript, IOM Respondent 6. See also Section 11.2.1.3.

<sup>651</sup> Transcript, IOM Respondent 7. See also Section 11.2.2.3. On the worth of the SDG amount at the time of research see Section 10.2.3.

<sup>652</sup> Transcript, IOM Respondent 8.

or vulnerable cases but also less vulnerable cases. But if, for instance, there is less funding available it is important to really do a thorough analysis and to only respond to the most, to highly vulnerable cases”.<sup>653</sup>

Third, when discussing the desirability of under- or over-inclusive vulnerability criteria, the respondent holds:

“I mean if we have a lot of funding available that’s great and we can address the needs of a broader group of people but if we have very little funding available we also have to take into consideration the priorities of the donors. I mean maybe they are only interested in victims of trafficking or pregnant or single women. So those are all factors that we have to take into consideration and then, I guess, balance them”.<sup>654</sup>

Fourth, when discussing the relationship between the vulnerability assessments at the MRRC and the type of assistance that is being provided, the respondent mentions:

“I guess we are often constrained by what type of funding we have available as an agency but at the same time I think it is important to also keep in mind the general picture because this way we can also identify gap because we might not have accounted for something a year ago or six months ago but things also change so it is important to do a regular, general analysis as well. This way we can then also adapt programmes or go forward, I mean develop proposals for future funding. So I think it should be a combination of both [the type of funding and the general picture]”.<sup>655</sup>

### 11.3.3. THE ROLE OF THE INTERNATIONAL COMMUNITY

Without explicitly being asked about it, three of the four respondents mention considerations about donors as relevant to IOM’s design of the vulnerability assessments at the MRRC in Khartoum. One respondent, for instance, asserts (when discussing the MRRC’s long-term goals): “*So shall the MRRC continue? It is up to donors to fund or not to fund. If the funding comes to an end we can look for alternatives and to not continue forever*”.<sup>656</sup> When asked about any changes in the vulnerability assessments at the MRRC compared to earlier assessments, another respondent asserts: “*What we’ve been working towards [in the vulnerability assessment] is screening questions that enable quantifying the results for the purpose of donor reporting*”.<sup>657</sup>

Another respondent repeatedly refers to donor interests throughout the interview. The respondent, for instance, remarks (when asked about any shortcomings in the current vulnerability assessments): “*I do think that also from a donors perspective there*

<sup>653</sup> Transcript, IOM Respondent 8.

<sup>654</sup> Transcript, IOM Respondent 8. See also Section 11.2.1.3.

<sup>655</sup> Transcript, IOM Respondent 8.

<sup>656</sup> Transcript, IOM Respondent 6.

<sup>657</sup> Transcripts, IOM Respondent 5.

*is often more focus on supporting women*".<sup>658</sup> When discussing the dilemma between feasibility and comprehensiveness, the same respondent also asserts:

"I mean for donor reporting it is very clear what kind of information is required but I do think it is important to collect additional information that provides us with a broader understanding of where the person is coming from, what sort of challenges is he or she experiencing, what other needs are there, what has he or she experienced during the migration journey. Because it just provides us with a more comprehensive understanding of the case and really to identify [programming] gaps that we might have not thought of".<sup>659</sup>

Additionally, two respondents elaborate upon the role of other UN agencies for IOM's basic assistance provision at the MRRC in Khartoum. When discussing the issue of migrant children, one of these two respondents, for instance, asserts:

"UNICEF is another case. I talk frankly, this maybe is one of my weaknesses because I cannot keep something. But at UNICEF they are bureaucratic, [...] UNICEF, they need to coordinate with IOM".<sup>660</sup>

In another instance during the interview (when asked about differences between the MRRC in Khartoum and in El Gedaref) the respondent elaborates:

"[T]he problem is, all those UN agencies they all want to work in migration now: UNDP, UNICEF, UNHCR. IOM, this is their mandate. But what I don't like is all those efforts are not coordinated. And it is just like they compete with each other rather than support each other".<sup>661</sup>

The same respondent also remarks (when asked about the risk of an under- or over-inclusive assessment):

"At headquarters there is communication between the different agencies but here in the field there is none. So we use personal contacts, sometimes we go with them, [...] until now it works. But it is not standardised. We should do it as an institution, not just do it like this".<sup>662</sup>

When specifically asked about collaborations with other UN agencies, another respondent asserts:

"For us the most important are UNHCR and UNICEF [...] I think there are a lot of areas where we can engage with UNHCR and I do also think we have to prioritise. We can't tackle everything at the beginning but. And then yes, I would say UNICEF is also one of the key UN agencies that we have to cooperate with closely. [...] even though as IOM we work with any type

<sup>658</sup> Transcript, IOM Respondent 8. See also Section 11.3.2.

<sup>659</sup> Transcript, IOM Respondent 8.

<sup>660</sup> Transcript, IOM Respondent 7.

<sup>661</sup> Transcript, IOM Respondent 7.

<sup>662</sup> Transcript, IOM Respondent 7.

of migrant, it is important for every agency to understand this and to understand what are also boundaries [of the agency's mandate] and I am not sure whether this is given at the moment".<sup>663</sup>

As regards the three international political priorities identified in Chapter 3 (emergency relief, sustainable development and migration management), participant observation and respondents' replies during interviews indicate that two of these priorities are particularly relevant for the design of the vulnerability assessments: sustainable development and migration management. All four respondents discuss and link these two rationales. One respondent, for instance, asserts:

"It is not important to catch people from the border, you can support them to not even reach there. If you have a clear project for them they do not even go there. [...] I think that MRRC is the most important unit in this country [for this]. And you cannot manage migration better unless you focus on the structural issues around it. You cannot do that".<sup>664</sup>

The respondent also remarks:

"I remember we did training before but I received resistance from the manager who said we cannot do that. So we only gave training to those with a permit. Because we cannot provide training to people who are illegally in Sudan because that would mean IOM is encouraging people to come to Sudan illegally and we cannot do that. But if you legalise your stay, please attend".<sup>665</sup>

Another respondent elaborates (when asked about the MRRC's challenges):

"We have a project called better migration management. But what does better even mean? Migration management is no new thing. But we can talk about flexible management. So when the situation changes you can change your management style. So for example deportation is also migration management but if you change this into voluntary return you are being flexible. So IOM is here to make management flexible because who are we to say that Sudan is not managing migration, they are, but through capacity-building we want to make it more flexible. Think about alternatives to detention and deportation. Raise awareness about what it means to deport elderly so then you have to think about how people can have regular emigration. So this is also a question of development. You have to invest into the country of origin to address the root causes of migration".<sup>666</sup>

When discussing whether all beneficiaries approaching the MRRC are equally in need, the same respondent asserts:

"We started language classes and we want to develop it, but the problem is, I don't want to judge what we are doing but if the government is coming and asking: why Arabic? Do you

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<sup>663</sup> Transcript, IOM Respondent 8.

<sup>664</sup> Transcript, IOM Respondent 7.

<sup>665</sup> Transcript, IOM Respondent 7.

<sup>666</sup> Transcript, IOM Respondent 6.

want them to integrate here? Or why English? Do you want them to continue their journey? So you have to be very careful with that. Maybe you can rather build the capacity of the teachers, instead of cooking the food yourself, teach them how to cook the food”.<sup>667</sup>

The same respondent also holds (when discussing the criterion that a beneficiary has to have stayed in Sudan for at least eight months):

“We introduced a time limit as exclusion factor. If you come last month or two months ago, this means you are less vulnerable: you decided to come and you can return. Or if I assist you, I may be creating a pulling factor for immigration: I am at the border with Ethiopia, I cross the border, I come to Khartoum, I get a visa and go back. I create a pulling factor. So we include this situation to the assessment from Egypt as exclusion: migrants who come from Ethiopia, to be assisted, they should stay 8 months in Sudan. The temporary card at that time was six months. No one can stay purposely to get assistance in the country for 8 months”.<sup>668</sup>

Another respondent asserts along similar lines (when asked about the criterion that a beneficiary has to have stayed in Sudan for at least eight months):

“We request a minimum of eight months stay in Khartoum because of course in this context it is, the risk of IOM becoming a travel agency and that is not something we aspire to be. But then we need to make exceptions based on vulnerability. For example if somebody is a victim of trafficking and other factors that make this person need this service, we then don’t look so closely to the eight months criterion. [...] I think when a tool is developed to assess and understand vulnerability, the vulnerability is the focus, rather than this kind of other limitations that we might want to put in place for different reasons but the reason to put an eight months criterion is not a vulnerability-based idea. It is based on the understanding that AVRR should not be used as, or IOM services, should not be used as those of a travel agency”.<sup>669</sup>

Another respondent similarly holds upon the same question:

“I guess also because of the geographic location of Sudan because we don’t want to basically encourage people from neighbouring countries to come here for one or two weeks and to then request AVRR to return to their country of origin and then receive the reintegration assistance because that’s not the purpose of the AVRR programme. So that’s the reason for why we have this additional criterion in place: to also look at the amount of time the person has been in Sudan”.<sup>670</sup>

When directly asked about the three international policy priorities, the same respondent also notes: “*I mean in terms of sustainability, that for me is very much linked with migration governance*”.<sup>671</sup>

<sup>667</sup> Transcript, IOM Respondent 6.

<sup>668</sup> Transcript, IOM Respondent 6.

<sup>669</sup> Transcript, IOM Respondent 5.

<sup>670</sup> Transcript, IOM Respondent 8.

<sup>671</sup> Transcript, IOM Respondent 8.

#### 11.3.4. THE ROLE OF THE OPERATIONAL ENVIRONMENT<sup>672</sup>

When explicitly asked about the operational environment and about how this relates to other contexts which the respective respondents are familiar with, the respondents mention several challenges of the operational environment for IOM as well as for potential beneficiaries in Khartoum. All four respondents consider the specific context of Sudan and/or Khartoum as crucial for the vulnerability assessment design.

##### *11.3.4.1. Challenges for IOM*

All four respondents mention the level of government involvement as a relevant factor for the basic assistance provision. One respondent, for instance, explains (when asked about how to define vulnerability):

“Most of them [migrants] that come [to Sudan] are children workers. But the government and even the local government in Gedaref does not talk about that. There is girls who tend to let the workers enjoy their lives. They come as sex workers but nobody talks about it. Even if you would like to talk about that the response is ‘no, this is not happening’ but it is actually happening. Because personally, I am a farmer, so I know there is girls who come to do that and it is organised, like the crime is organised. They have people receive [them], they have people distribute [them]. It is organised. But the government keeps silent. If the government keeps silent, all the authorities they didn’t touch this. Even in the last assessment done by GIZ [the German development cooperation agency], also they didn’t find it. And I talked to the partner, I asked ‘why do you keep silent?’ Because it should be touched, it is the most important point. Because it is thousands. But nobody talks about this”.<sup>673</sup>

When asked about the differences between the MRRC in Khartoum and the MRRC plans for El Gedaref, the same respondent also asserts:

“And the government also does not have a clear vision of what they can do. Now I think the Ministry of Social Welfare and the Ministry of International Cooperation they try to work on that but they also need clear structures in order to provide that [...] they say we look for a plan to consider all these issues but I think their effort is minimal”.<sup>674</sup>

Another respondent remarks (when asked about the differences between Khartoum and El Gedaref):

“Well, here in Khartoum we have pretty much operated on our own. [...] In Gedaref we take a different approach: we started the process together with the Ministry of Social Welfare and

<sup>672</sup> Compare also Chapters 5 and 10.

<sup>673</sup> Transcript, IOM Respondent 7.

<sup>674</sup> Transcript, IOM Respondent 7. Also mentioned in Transcript, IOM Respondent 6. See Section 11.3.3.



we are going hand in hand with the government counterpart to set up the concept of the MRRC: what is it what we will provide?”<sup>675</sup>

Another respondent holds along similar lines (when asked about the specificities of the operational environment in Sudan):

“And I do think it is important to be aware of both the challenges but also the opportunities that exist in Sudan with the government. It can be quite challenging but, for instance with the experience in East Sudan at the moment where the approach that we take to operationalise the MRRC is very different to Khartoum because we work from the beginning directly with the government, with the Ministry of Social Affairs and I think we can learn a lot from the approach we have taken in Khartoum, especially when it comes to communities. Like, whenever I also meet colleagues from other IOM missions and we talk about migrant protection and assistance, usually the work we do with communities here in Khartoum is quite unique. But at the same time I think here in Khartoum we can learn a lot from the approach that we will take in Gedaref. Yet, we still have to see what will be the lessons learned because we are at the very beginning of operationalising this MRRC and I am not sure how it will actually look in practice but in the end we shouldn’t exclude the state from this kind of operation”.<sup>676</sup>

In addition, the respondent asserts:

[W]e are providing the funding so we do have some power, so to say, about what the criteria should be but at the same time it is important to listen to the government and to local civil society counterparts as to what their understanding is and to then, I would say, arrive at a common ground because in the long term the ideal situation is for IOM not to be there and for local counterparts to take over the provision of assistance and the provision of protection”.<sup>677</sup>

When asked about the differences between the MRRC in Khartoum and the planned MRRC in El Gedaref, the same respondent holds: “*Khartoum is a much bigger city, in a sense it is also easier [here in Khartoum] to run an MRRC without the government*”.<sup>678</sup> When asked about the operational environment in Khartoum, another respondent similarly asserts:

“We did not have to negotiate with the government, I don’t think there has been any kind of negotiation. We can go there legally: migrant schools, Sudanese government schools, private schools, churches. But we prefer to go to community-established schools”.<sup>679</sup>

<sup>675</sup> Transcript, IOM Respondent 5.

<sup>676</sup> Transcript, IOM Respondent 8.

<sup>677</sup> Transcript, IOM Respondent 8.

<sup>678</sup> Transcript, IOM Respondent 8.

<sup>679</sup> Transcript, IOM Respondent 6.

In addition to the government aspect, two respondents also refer to the migration situation as a relevant aspect of the operational environment. One of these two respondents holds (when asked about the crucial factors of the operational environment):

“[I]t is also important to understand the geographic location of Sudan because it’s a transit country for people from so many different countries across Africa. I mean yes, primarily from the Horn of Africa or at least the migrants we attend to most at the MRRC are from the Horn of Africa. But there are also a lot of migrants from West Africa, for instance, that pass through Sudan. So I think it is crucial to understand this general context and I mean if I now think about this new understanding of vulnerability which not only focuses on the individual level but also on the community and structural level and the structural level for me is then directly linked to migration governance”.<sup>680</sup>

When asked about whether, and if so how, IOM’s vulnerability assessments from Egypt were amended for the Khartoum context, another respondent indicates:

“The people coming to Egypt are more or less the same people who are coming to Sudan. But the number of migrants in Cairo, I believe the numbers here are more than there. We are receiving hundreds, hundreds of migrants at the MRRC”.<sup>681</sup>

#### *11.3.4.2. Challenges for Potential Beneficiaries*

Three of the four respondents also elaborate upon the challenges that potential beneficiaries face due to the specific context in Sudan. When discussing the role of vulnerability assessments at IOM, one respondent, for instance, remarks:

“The other thing in terms of vulnerability for those migrants even comes from the authorities. Because soldiers in the border, they abuse, maybe the government does not say that. But me, personally, I know, they abuse. Even in detention, no one knows how they deal with the people”.<sup>682</sup>

Another respondent similarly holds (when asked about how the vulnerability assessments by IOM Egypt had to be amended for the Sudanese context<sup>683</sup>):

“Also the security situation in Egypt is different from Sudan. For example, Ethiopians in Egypt may not get a document that allows them to reside in Egypt which in Sudan they have: temporary residency. So our neighbours are Ethiopians and we do not consider them undocumented. Even if they are undocumented, there is a way that they can get a document. But I don’t think this is the case in Egypt. Sudan, Ethiopia, they have an agreement: temporary stay for one year card. So for this group we don’t have risk of deportation or

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<sup>680</sup> Transcript, IOM Respondent 8.

<sup>681</sup> Transcript, IOM Respondent 6.

<sup>682</sup> Transcript, IOM Respondent 7.

<sup>683</sup> On the link with IOM Egypt see Section 11.3.5.

detention in Sudan. So Ethiopians would have to be considered less vulnerable when we talk about undocumented migrants in Sudan”.<sup>684</sup>

Yet, the same respondent also asserts (when discussing challenges for the MRRC):

“And also, people who arrive to Khartoum, how many days do you think it takes? I had a case here last year they said they walked for two months in order to arrive. [...] And they were women. So can you imagine what happened to them on the way? I cannot say this only came from farmers or Sudanese, even from the authorities. So it is complicated. And now even for those who work at the border: you cannot say that they have not experienced it because there is no clear communication. So for me all the migrants in Sudan are vulnerable”.<sup>685</sup>

When asked about differences in the operational environment between Khartoum and elsewhere, another respondent remarks:

“Here, because this MRRC is located in the capital of the country, the population that is being assisted is a little bit different in that sense. It is not at the border. Many people come again and again. If you see people watching TV, they are not necessarily people who are here the first time and continuing to Libya the next day. They are part of the community in Khartoum. So it is a more diverse population that we assist, perhaps”.<sup>686</sup>

When asked about differences between Khartoum and El Gedaref, another respondent asserts along similar lines:

“People who arrive in Khartoum, they are lucky: there are many choices, many opportunities. There are communities, there is a future here or relatives here. So they can support themselves”.<sup>687</sup>

In addition, the respondent remarks (when discussing the issue of beneficiaries’ dependency):

“But in absence of this work permit it is difficult. So we advise them: it is just 100 SDG, pay it to the authorities, they give you a work permit for one year”.<sup>688</sup>

Another respondent similarly holds (when asked about the MRRC’s challenges):

“You have to contextualise your service. For example in Kassala, it is close to the border but there is no work. There is work in Khartoum and there is work in Libya but you may be risking your life. So you have to provide a different service here”.<sup>689</sup>

<sup>684</sup> Transcript, IOM Respondent 6.

<sup>685</sup> Transcript, IOM Respondent 6.

<sup>686</sup> Transcript, IOM Respondent 5.

<sup>687</sup> Transcript, IOM Respondent 7.

<sup>688</sup> Transcript, IOM Respondent 7. On the worth of the SDG amount at the time of research see Section 10.2.3.

<sup>689</sup> Transcript, IOM Respondent 6.

### 11.3.5. THE ROLE OF PREVIOUS EXPERIENCES

The vulnerability assessment design appears to have evolved from different earlier vulnerability assessments at IOM. The vulnerability assessments developed by IOM Egypt served as reference point for the vulnerability assessments at the MRRC in Khartoum. When asked about the ideal vulnerability assessment, one respondent elaborates upon the evolution of the vulnerability assessments:

“Actually, we revised it three times. The version that you see now is not the first version. The first version was very short, just five questions and it were very simple questions. [...] in the old form, we put the story. From the beginning, even starting from when the migrant first thought about coming until the person reaches us at the MRRC. We write. We had this story from the beginning to the end until they reach us. So from this story we understand: is the situation chronic and needs more support than the normal support or not?”<sup>690</sup>

Another respondent explains (when discussing the evolution of the vulnerability assessments): “The criteria that we have started with are from our regional office and we made amendments to contextualise it to the Sudan context”.<sup>691</sup> When asked about how the assessment was adapted to fit the Khartoum context, the respondent asserts:

“Time, as I said, neighbouring countries, nationalities to refer to the treatment eligible for that [i.e. IOM in Khartoum introduced a minimum time span for which a potential beneficiary has to have been in Khartoum before being eligible for assistance]. These were the elements. Maybe the response in the country of origin because when they are identified as vulnerable we also have a response package. So one of the things that we changed is the amount of cash support that is provided. I don’t remember the exact amount, I think the Egyptian amount was 300 Egyptian pound. I don’t know how much this is in dollars but we looked at this amount, we looked at the amount in the Sudan situation”.<sup>692</sup>

Another respondent remarks (when asked about the previous experiences that played a role for the assessment design):

“[I]f you think of the criteria that are in place at the moment, this is not something that we invented. This is something that we adopted from colleagues in IOM Egypt and they developed it based on their understanding that there needs to be some sort of tool in place to prioritise cases and to guide the staff in assessing vulnerability and making decisions on service provision”.<sup>693</sup>

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<sup>690</sup> Transcript, IOM Respondent 7. See also Section 11.3.4.

<sup>691</sup> Transcript, IOM Respondent 6.

<sup>692</sup> Transcript, IOM Respondent 6.

<sup>693</sup> Transcript, IOM Respondent 5.

In addition, another respondent holds (when discussing the operational environment in Sudan): “I think the experience in Gedaref will definitely also influence our understanding of this vulnerability assessment and how we will do it”.<sup>694</sup>

### 11.3.6. THE ROLE OF THE ORGANISATIONAL STRUCTURE AND CULTURE

Most respondents involved in the vulnerability assessment design at IOM Khartoum do not comment on IOM’s organisational structure and culture by themselves and, due to time constraints, I could not directly ask them about it. However I was able to discuss the topic in particular depth with one respondent. Although the elements presented below are thus primarily based on this one respondent, they nevertheless provide indications for how the organisational culture and structure might play a role for the vulnerability assessments. First, when asked about IOM’s organisational culture, the respondent asserts:

“I would say the organisational culture I think we are very, in my experience, the work is very hands-on and very practical and at least when it comes to migrant protection and governance we are directly engaging with the relevant stakeholders and counterparts which I think has a positive, or makes it easier for us to also keep track of the progress and development we are making as opposed to, for instance, providing funding to an NGO which then provides the services. But again there are advantages and disadvantages to both”.<sup>695</sup>

The respondent continues:

“That’s not the way that UNICEF works. So it is not an option for them. They, on the other hand, are very good in upstream work, like engagement with the government, which, I think we also do but in terms of like downstream, providing this direct assistance, that’s not an option for UNICEF. But I guess that’s also how we complement each other and build synergies and coordinate activities”.<sup>696</sup>

Additionally, the respondent emphasises:

“[W]e are more flexible [than UNHCR] but that is because of our mandate which is much more flexible than the one of UNHCR and that has advantages and disadvantages [...] [The flexibility is valued at IOM] and with the donors”.<sup>697</sup>

When asked about IOM’s capacity to learn and adapt, the respondent notes:

“I think the organisation is going through a lot of changes, slowly but, and it also takes time, but I think because the organisation is growing so quickly that it just has to change

<sup>694</sup> Transcript, IOM Respondent 8.

<sup>695</sup> Transcript, IOM Respondent 8.

<sup>696</sup> Transcript, IOM Respondent 8.

<sup>697</sup> Transcript, IOM Respondent 8.

internally, like structurally and has to change in terms of like, or be more, how to say, more defined or standardised in terms of the, not mandate but the assistance or the activities and procedures we do and I think the move towards this new vulnerability framework would be one of the examples for that. Because for me it does show that the organisation is willing to learn and to come up with new systems and new procedures and to give it a try basically. [...] I do think that this communication between HQ and different regions could still be improved but generally I would say that the agency is willing to learn”.<sup>698</sup>

This desire to improve and learn as an organisation also becomes apparent in the MRRC’s Standard Operating Procedures which state their purpose as being: “to enable a consistent approach to service provision through simple operational guidelines” which “are a living document and will be adapted as required when practices evolve or when changes are introduced to service flow”.<sup>699</sup> Another respondent similarly indicates (when discussing the evolution of the assessments):

“And it [the vulnerability assessments] should need more work. But not one case worker but as a team. Because maybe now my colleague they identified our issues so that they can change it and also the structure of the form”.<sup>700</sup>

Another respondent asserts along similar lines (when discussing user-friendliness): *“I think that [user-friendliness] will only happen based on piloting and feedback from colleagues and seeing how something can work in practice and what doesn’t work”*.<sup>701</sup>

## 11.4. CONCLUDING REMARKS

This chapter presented the case study’s findings regarding the design of the vulnerability assessments for basic assistance at IOM’s MRRC in Khartoum. The chapter first outlined the design of the vulnerability assessments themselves before concentrating on the administrative dilemmas and contextual constraints that appear relevant to this design. The number of respondents is limited and not all respondents replied to all issues in equal depth.<sup>702</sup> Nevertheless, the findings suggest several tendencies with regard to the administrative dilemmas and contextual constraints for the MRRC’s vulnerability assessments that facilitate answering this study’s main research question on the transformative potential of a vulnerability focus in basic assistance policies.

<sup>698</sup> Transcript, IOM Respondent 8.

<sup>699</sup> IOM (April 2018) 1.

<sup>700</sup> Transcript, IOM Respondent 7.

<sup>701</sup> Transcript, IOM Respondent 5.

<sup>702</sup> On limitations compare also Section 4.5. On the number of respondents see, specifically, ‘A Note on the Number of Respondents’ in Section 4.3.5.

First, in terms of procedural dilemmas, three of the four respondents involved in the design of the vulnerability assessments favour flexibility over rigidity, comprehensiveness over feasibility and risking over-inclusiveness over risking under-inclusiveness. Additionally, the respondents propose several mitigation measures to balance between rigidity and flexibility and between under- and over-inclusiveness and underline the importance of creating a welcoming atmosphere. Second, as regards substantive dilemmas, all four respondents desire structural change and indicate that, although some activities at the MRRC are focused on basic assistance, the overall aim is structural change. All respondents link vulnerability to both risk and need. Although not having been directly asked about their preference regarding control and/or support, the respondents' general replies tend to underscore the importance of support rather than control. Additionally, the respondents are concerned about dependency specifically with regard to cash assistance and emphasise the importance of community empowerment in order to achieve the beneficiaries' self-reliance. Third, the findings indicate that the respondents perceive a diverse range of contextual constraints as relevant for the vulnerability assessment design. Financial and resource constraints, the international community and the operational environment in Sudan appear particularly relevant in this respect.

The next chapter presents the case study's findings on how case workers at IOM's MRRC in Khartoum perceive the above aspects and on how these aspects play out in the case workers' daily work with the vulnerability assessments.





## CHAPTER 12

# THE IMPLEMENTATION OF THE VULNERABILITY ASSESSMENTS FOR BASIC ASSISTANCE AT IOM KHARTOUM

This chapter presents the case study's findings regarding the implementation of the vulnerability assessments for basic assistance at IOM's Migrant Resource and Response Centre (MRRC) in Khartoum. The chapter follows the same structure as the previous chapter: it first elaborates upon the vulnerability assessments themselves (12.1), then presents the administrative dilemmas which appear relevant to the implementation of these assessments (12.2) and subsequently outlines the contextual constraints perceived as relevant by respondents involved in the implementation of the vulnerability assessments (12.3). The chapter ends with a short summary in the form of concluding remarks (12.4).

The findings presented in each section largely rely on semi-structured interviews with the four case workers that were directly involved in the implementation of the vulnerability screening or of the vulnerability prioritisation tool. This includes all case workers working with the assessments at IOM's MRRC in Khartoum at the time of my field research.<sup>703</sup> If the interview transcripts contained gaps on relevant information I had come across during my participant observation, I integrated this information through field note references. I attempted to present as much raw data as possible without making the text unreadable. Where quotes were relevant to several themes and/or concepts I merely used the quote once (usually where I found it to be most relevant) and subsequently referred to it in a footnote in other sections where the quote could equally have served to illustrate a certain point.

The personal and professional characteristics of the respondents did not appear to be particularly relevant for the findings presented below. Two case workers were male and two were female. All respondents were either Sudanese or from another East African country. The gender or nationality of the respondents did not appear to play any significant role for their interaction with me or for their replies to my interview questions.

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<sup>703</sup> Compare Section 4.3.5.

## 12.1. THE IMPLEMENTATION OF THE VULNERABILITY ASSESSMENTS

This section concentrates on the implementation of the vulnerability assessments for basic assistance at IOM's MRRC in Khartoum. It outlines the implementation of the outreach and selection process for the identification of eligible beneficiaries (12.1.1) and the case workers' interpretations of and experiences with the main eligibility and vulnerability criteria (12.1.2).

### 12.1.1. THE OUTREACH AND SELECTION PROCESS

As outlined in the previous chapter (Section 11.1.1), the vulnerability assessment process at the MRRC consists of several steps that can be distinguished as access, screening, assessment and assistance/referral.

#### 12.1.1.1. Stage 1: Access

In practice, the first step in the vulnerability-focused screening and prioritisation process at IOM's MRRC in Khartoum is that persons who would like to be considered for assistance have to approach the reception at the MRRC. The receptionist asks the potential beneficiary for some basic information (e.g. name, nationality and whether they have been in touch with IOM before) and subsequently refers the potential beneficiary to a case worker. All potential beneficiaries who approach the reception are referred to a case worker.<sup>704</sup>

However, potential beneficiaries first have to make their way to the MRRC in order to be assisted. As already mentioned in the previous chapter, IOM seeks to mitigate this potential access barrier through active outreach and community referrals.<sup>705</sup> One case worker, for instance, explains:

"And also here in our office, outreach office, we work to reach out to the vulnerable people who cannot come to the centre who are not aware about the services provided to them so it [vulnerability] is very important in our work".<sup>706</sup>

At the time of research, IOM did not keep a record of how many and what type of potential beneficiaries were identified through community referrals. One IOM report merely reveals the following: "The Nigerian community mentioned that about 200 vulnerable migrants approached them to seek assistance to return home".<sup>707</sup> In

<sup>704</sup> Field Note 2, 30–07–18.

<sup>705</sup> Compare Section 11.1.1.

<sup>706</sup> Transcript, IOM Respondent 2.

<sup>707</sup> IOM, *Bi-monthly Report May/June 2018* (July 2018c), on file with the author.

addition, IOM reports of the first six months of 2018 indicate that community outreach efforts by the MRRC in Khartoum involved the following activities:

- Assistance to 341 migrants in detention (with food, non-food items, medical assistance and/or AVR screening);
- Assistance to 146 migrants in Ethiopian and Eritrean safe houses (with food, medical assistance, non-food items and/or psychosocial support);
- Distribution of non-food items to migrants living at the outskirts of Khartoum (Jabel Awlia);
- Workshops for two migrant communities to raise awareness on mental health;
- A first aid training for community safe house staff and other migrant community representatives;
- Two community dialogue sessions to discuss how the (Somali and Nigerian) communities are currently assisting vulnerable migrants and identify how the MRRC can strengthen and develop these initiatives; and
- Assistance to unaccompanied minor victims of trafficking (with food, non-food items and two interpreters to support the responsible institutions in best-interest-of-the-child assessments).<sup>708</sup>

#### 12.1.1.2. Stage 2: Screening of Potential Beneficiaries

The second step in the selection process for assistance at IOM Khartoum is the vulnerability screening conducted by a case worker. All potential beneficiaries who approach the MRRC for the first time are subjected to this screening.<sup>709</sup>

Participant observation and interviews with case workers suggest that potential beneficiaries are rarely immediately excluded from any potential assistance provision on the basis of this vulnerability screening.<sup>710</sup> The monthly MRRC reports from the first six months of 2018 (i.e. the period immediately prior to the research period) provide a numerical overview of the potential beneficiaries who go through this initial screening.<sup>711</sup> A total of 3318 individuals were assisted during these six months, 427 of which approached the MRRC for the first time.<sup>712</sup> 223 of the total number of potential beneficiaries who underwent the vulnerability screening were identified as refugees or asylum seekers and therefore referred to other assistance providers (UNHCR and/or COR).<sup>713</sup> The two tables below distinguish all potential beneficiaries who underwent the vulnerability screening in this period on the basis of age, gender and nationality.<sup>714</sup>

<sup>708</sup> IOM, *Bi-monthly Report January/February 2018* (July 2018a), on file with the author. IOM, *Bi-monthly Report March/April 2018* (July 2018b), on file with the author. IOM (July 2018c).

<sup>709</sup> Field Note 2, 30–07–18.

<sup>710</sup> Field Note 1, 30–07–18; Field Note, 31–07–18. On interviews compare also Section 12.2.1.3.

<sup>711</sup> Unfortunately, IOM did not collect data on the beneficiaries' vulnerability categories at the time of research.

<sup>712</sup> IOM (July 2018a); IOM (July 2018b); IOM (July 2018c).

<sup>713</sup> IOM (July 2018a); IOM (July 2018b); IOM (July 2018c).

<sup>714</sup> This distinction is used because this is the way in which IOM disaggregated the data.

**Table 10: Potential Beneficiaries by Age and Gender at MRRC Khartoum (January – June 2018)**

	Above 18		Below 18		Total
	Male	Female	Male	Female	
January	199	172	24	25	420
February	295	241	23	27	586
March	389	318	15	18	740
April	226	183	17	25	451
May	306	260	21	22	609
June	208	247	27	30	512
Overall Total	1623	1421	127	147	3318

**Table 11: Potential Beneficiaries by Nationality at MRRC Khartoum (January – June 2018)**

Ranking	Nationality	Total Male	Total Female	Total
		5 months (April not available)		
1	Ethiopia	692	842	1534
2	Nigeria	206	169	375
3	Eritrea	49	32	81
4	Somalia	47	8	55
5	Kenya	24	24	48
6	Burkina Faso	23	7	30
7	Chad	24	1	25
8	Niger	19	2	21
9	Comoros	15	-	15
	Tanzania	15	-	15
10	Liberia	11	2	13
11	Sierra Leone	8	-	8
	Ghana	6	2	8
	Syria	8	-	8
12	Bangladesh	5	2	7
	Rwanda	1	6	7
13	Cameroon	5	1	6
	South Sudan	3	3	6
	Yemen	6	-	6
14	Mozambique	5	-	5
15	Congo	3	1	4
16	Djibouti	3	-	3

Ranking	Nationality	Total Male	Total Female	Total
		5 months (April not available)		
17	Uganda	2	1	3
	Sudanese	2	1	3
	Ivory Coast	2	-	2
	Benin	2	-	2
	Togo	-	2	2
	Guinea	2	-	2
18	Central African Republic	1	-	1
	Burundi	-	1	1
	Gambia	1	-	1

#### 12.1.1.3. Stages 3 and 4: Further Assessment and Assistance

Most of the vulnerability identification and selection of eligible beneficiaries takes place during stages 3 and 4 of the selection process. IOM reports of the first half of 2018 provide the following information regarding the assistance which is provided to potential beneficiaries: 2079 individuals were assisted medically, 78 individuals received psychosocial support and 161 individuals were assisted in their voluntary return to, and reintegration in, their country of nationality.<sup>715</sup> In addition, a number of individuals received cash assistance but no record was available in this respect.<sup>716</sup> These numbers reveal that medical assistance is by far the most frequent assistance provided to individuals at the MRRC.

#### 12.1.2. THE INTERPRETATION OF MAIN ELIGIBILITY AND VULNERABILITY CRITERIA

This section provides an overview of case workers' perception of the most common vulnerability criteria and the questions that are commonly asked to identify a potential beneficiary's vulnerability during the vulnerability screening or prioritisation. The section then presents the respondents' perspectives on any overlaps, controversies or gaps in the vulnerability criteria.

<sup>715</sup> IOM (July 2018a); IOM (July 2018b); IOM (July 2018c).

<sup>716</sup> Field Note, 18-02-18; Field Note, 01-08-18.

### 12.1.2.1. *The Vulnerability Screening*

As mentioned in the previous chapter (Section 11.1.2), the first eligibility criterion that has to be met is that a potential beneficiary must not be a refugee or asylum seeker. In addition, potential beneficiaries have to have stayed in Sudan for more than eight months before being eligible for the MRRC's services. Additionally, one respondent, for instance, asserts during the interview (when asked about the rigidity of the assessment in general):

“For AVR[R] our criteria are first that every migrant who hasn't spent at least 8 months in Sudan is not eligible but at the end of the criteria the assessment also tells you that this is something that is also case by case. It is clearly open here and flexible”.<sup>717</sup>

It is unclear which vulnerability criteria are most commonly identified during the vulnerability screening.

The questions that are typically asked during the vulnerability screening of potential beneficiaries are largely predetermined but respondents are free to shuffle the questions around depending on how the conversation with the potential beneficiary develops.<sup>718</sup> One respondent, for instance, explains:

“So we now have the form and there we have the questions. So what we do usually: we ask those questions and sometimes also other questions but it is not a crisscross questioning where they can only say yes or no. It is also a matter of understanding the whole story. So sometimes we ask the written question and sometimes this will not be enough to understand the whole story. [...] I can mix up the questions in the way they come up during the story. So it is not always about the form that you have to fill, it is about understanding the person, even letting them talk like, as I told you before, this is a place where we try to make them feel comfortable. Because if this is comfortable, they are here to complain, they have to be heard, they have been suffering. So if they are not comfortable they cannot talk. And if they don't talk of course you can't follow up the criteria and you are refusing them. By refusing them they think you are pushing them away and they are getting into more risk. So that's why we are trying to take the time, trying to create some kind of link-relation. And even if you feel like that person is a little bit stressed, without screening we can take him to the PSS [psychosocial support]. Even you can postpone, he can come anytime, any other day. So again, it is a matter of being soft. But being soft doesn't mean we are accepting all of them because we are giving them comfort”.<sup>719</sup>

The two respondents who most frequently work with this vulnerability screening tool remark that they value the questions because it allows them to follow the story of the

<sup>717</sup> Transcript, IOM Respondent 2.

<sup>718</sup> Field Note, 01-08-18; Field Note, 02-08-18 and Transcripts, IOM Respondents 1 and 4.

<sup>719</sup> Transcript, IOM Respondent 1.

migrant.<sup>720</sup> One respondent adds (when asked about how the respondent identifies a beneficiary's vulnerability):

"During the screening they tell me about their story, for example they say they come and they don't have documents and they cannot work and they think that we give them money. But I know from their story that they need first, for example, a ticket for their children. For example. So I tell them we don't have this. [...] So from the story you know this person needs more than money and what they need in order to travel. So you try for the children at least to go to school. You ask them to see our outreach office to see what they can do for them because we support some schools. We try to help them".<sup>721</sup>

#### 12.1.2.2. *The Vulnerability-focused Prioritisation*

The respondent who most frequently deals with the vulnerability-focused prioritisation assessment comments on the most common vulnerability criteria: "*Most common one is single mother with the children. Not much VoTs [victims of trafficking] and unaccompanied minors*".<sup>722</sup> Regarding the questions that are commonly asked during this assessment, the same respondent asserts:

"We start our interview from when the migrant started his journey. Since the migrant was in his country of origin. So we start with this and ask questions about the status of the migrant in the country of origin before he departed. Like this sometimes they give us an indication or tell us what the drive or reason for their migration is. Sometimes this from the beginning can indicate something until the end. And then his journey until the point where he or she is now. We ask the applicant about everything that happened to him in his way to come here. So because most of the exploitation or most of the bad things happening to the migrants is actually on his way to the last destination or transit destination. So sometimes in the route you can find some of them telling you that smugglers deceived them or beat them on the way or many many abuses on their way. After that in the interview we ask questions about the current status of the migrant: how does he or she live? How do they get money for living? What is their intention? What is their plan to do next? What are they planning? What is the problem they face? This sort of stuff. So the idea is to just ask the migrant questions since he moved from his country of origin up until now we ask about everything the migrant faces, everything the migrant has, the background of the migrant, even the education background, skills and experience. We ask all these questions because at the end you find if the migrant is eligible or vulnerable or not and this comes after very very many questions about everything since the migrant started traveling to the final destination".<sup>723</sup>

<sup>720</sup> Transcripts, IOM Respondents 1 and 4.

<sup>721</sup> Transcript, IOM Respondent 4.

<sup>722</sup> Transcript, IOM Respondent 2.

<sup>723</sup> Transcript, IOM Respondent 2.

### 12.1.2.3. Overlaps, Controversies or Gaps in the Vulnerability Criteria

None of the case workers mentions any overlaps between the criteria. When explicitly asked about controversies regarding the criteria, three of the four respondents mention that the medical issues are still somewhat unclear. One respondent remarks (when discussing the different vulnerability assessments at the MRRC): “[W]ith the medical it is very difficult for me because the medical terms and all this stuff I don’t understand it”.<sup>724</sup> Another respondent holds (when directly asked about challenges or controversies in the assessment):

“[I]t would still have to be more specific which medical or psychological cases. I know that they mean severe problems but the person after me also will have to know so needs guidance. It is difficult to say because a person’s situation is changing so sometimes it is difficult for us to say that this person is not vulnerable”.<sup>725</sup>

Upon the same question, another respondent similarly asserts:

“The criteria are clear, there is a bit of things where we still have to sit together and develop a protocol because I think with the screening it depends from some person to another. If they meet somebody who needs medical attention or immediate things there is no guidelines on what exactly people face who need urgent medical assistance”.<sup>726</sup>

## 12.2. ADMINISTRATIVE DILEMMAS FOR THE VULNERABILITY ASSESSMENT IMPLEMENTATION

The administrative dilemmas identified in this study reflect the procedural and substantive design and implementation issues that the case workers commonly encounter in their daily work with the vulnerability assessments and have an opinion on.<sup>727</sup> This section focuses on the administrative dilemmas case workers at IOM’s MRRC in Khartoum perceive as relevant for the implementation of the assessments.

Disentangling all possible administrative dilemmas that might play a role in the implementation of the assessments remains challenging. Due to the broad exploratory nature of this study, the below overview might therefore not be comprehensive. Instead, as Chapter 3 explains, the study identified and relies on three procedural and three substantive dilemmas as particularly relevant for answering this study’s main research question.

The procedural dilemmas for the vulnerability assessments relate to the respondents’ preferences and choices regarding: 1) rigidity or flexibility, 2) feasibility

<sup>724</sup> Transcript, IOM Respondent 2.

<sup>725</sup> Transcript, IOM Respondent 4.

<sup>726</sup> Transcript, IOM Respondent 3.

<sup>727</sup> Compare Section 1.7 and Chapter 3.



or comprehensiveness and 3) under- or over-inclusiveness. In addition, the section on procedural dilemmas includes the interpersonal dynamics that appeared to play a role in the interaction between case workers and beneficiaries as important ‘other issues’ to consider with regard to the mitigation of stigmatisation and stereotyping.

The substantive dilemmas for the basic assistance provision relate to the respondents’ preferences and choices with regard to 1) short-term relief and/or structural change, 2) control and/or support and 3) material needs and/or protection risks. In addition, I included one ‘other issue’ that appears relevant for facilitating socio-economic participation: the respondents’ perspectives on dependency and self-reliance.

The preferences/choices regarding these dilemmas are not necessarily mutually exclusive. Instead, the respective perspectives and approaches can indicate attempts to balance between the different possibilities.<sup>728</sup>

### 12.2.1. PROCEDURAL DILEMMAS

#### 12.2.1.1. *Procedural Dilemma 1: Rigidity or Flexibility?*

All respondents were asked about whether they prefer a rigid assessment or one that leaves some room for flexibility when determining a potential beneficiary’s eligibility for assistance. Respondents diverge in their preferences. Two respondents voice a preference for rigidity and two respondents favour a more flexible approach. One of the two respondents who voice a preference for rigidity, for instance, holds:

“I think defined is good. Because it makes it easier for everyone, you won’t open the door for judgement. There are maybe one or two questions where you need to extra comment but otherwise the things are clear for everyone. So I think once you are screening, then you get an idea of whether that person qualifies. So it makes it easier for me, for case worker assistants, for everyone who is doing the assessment because it is not a one person job but there are a few people involved and then you don’t want to open it to everyone to putting the wording and everything according to how they sense and feel the urgency of the case. Maybe you put things as they are very clear defined and then you write a few lines to clarify the things to make it as easy as possible for everyone. So you may have to sit together as a team and discuss: so this is clear, clear, clear, clear. And then we can determine the points that we still need to discuss”.<sup>729</sup>

Another case worker remarks along similar lines:

“I think it would be easy for anyone coming after me [i.e. a new employee] to have a specific [assessment], not that flexible. Because sometimes really we need to know who is vulnerable and who is in need because if anyone else come[s] maybe [they] say ‘[X] you are so flexible

<sup>728</sup> Compare Section 14.2.

<sup>729</sup> Transcript, IOM Respondent 3.

with these people' but if you have real thing and specific thing [i.e. a detailed assessment] that is known to all people it will be easy for me and for the people who come after me to follow. [...] So it is something that needs to be more specific for me and for the people coming after me to have that standard and just check it".<sup>730</sup>

One of the two respondents who appear to favour flexibility asserts:

"I think I like something flexible. I don't want to say that every category is just like it is because not every elder person or VoT [victim of trafficking] is vulnerable. I need to have space to say this person is elder but not vulnerable".<sup>731</sup>

The other respondent who favours flexibility mentions this preference in relation to the dilemma between risking over- or under-inclusiveness.<sup>732</sup> Additionally, the respondent elaborates (when asked about the dilemma between rigidity and flexibility):

"Well if you have the authority to decide, you don't need details. But if you are guided only by the criteria of course you need very much detail, everything has to be there. [...] we have the criteria but as I told you, if it is a matter of life-saving with a child or another issue, you can go a little bit out of it so you can provide assistance. If you have this kind of authority it is ok, you don't need details in the criteria but if you have to stick to the criteria you need details for every single vulnerability".<sup>733</sup>

#### 12.2.1.2. *Procedural Dilemma 2: Feasibility or Comprehensiveness?*

All respondents were explicitly asked about whether they consider feasibility or comprehensiveness as more important when conducting the vulnerability assessments at the MRRC in Khartoum. Not all respondents give equally clear answers. However, two respondents appear to favour comprehensiveness while one respondent elaborates upon the importance of feasibility. One of the respondents who appear to favour comprehensiveness, for instance, asserts:

"Well it does sometimes take 40 minutes because usually, I haven't seen anyone for whom the screening would be done in 10 minutes. Unless you have to be very dry and just ask 'give me information on this, that, etc.'. But sometimes people start telling things, when you ask someone a question 'How did you come to Sudan? Through which route?' You have the questions but you wouldn't just ask this. You just let them. Because then they start telling the story to it".<sup>734</sup>

<sup>730</sup> Transcript, IOM Respondent 4.

<sup>731</sup> Transcript, IOM Respondent 2.

<sup>732</sup> Transcript, IOM Respondent 1. See Section 12.2.1.3.

<sup>733</sup> Transcript, IOM Respondent 1.

<sup>734</sup> Transcript, IOM Respondent 3.

Another respondent holds along similar lines:

“For the screening form? Well before it was 45 minutes, when we had hard copy. But with Kobo [an online system] now it is almost 15 minutes. But 20 minutes I think is normal. Because it is not always standardised questions. So you can just chit-chat with the person because if you just ask questions and write them down immediately some of them they don’t feel comfortable with that”.<sup>735</sup>

However, another respondent remarks:

“Less detailed [assessment would be preferable]. Because most of the people here, I work as a case worker so I know them. So for example if they come and ask help or support it must be something without many details because it is not easy for them to say their story again and again and you already know how many kids they have and it’s good to have a record for this [...]. [T]hey [potential beneficiaries] don’t like to have many questions and after that you will not give them something. It [the assessment] may take 1,5h and when you finish you find you are not vulnerable so we cannot assist you. [Then they will ask:] ‘Why are you keeping me all this time?’. So it is not good to ask them many questions and not give them anything in the end”.<sup>736</sup>

#### *12.2.1.3. Procedural Dilemma 3: Risking Under- or Over-inclusiveness?*

All respondents involved in the implementation of the vulnerability assessments were directly asked about whether they prefer risking an under-inclusive or an over-inclusive assessment. Three respondents favour risking over-inclusiveness while one respondent voices a preference for risking under-inclusiveness. None of the case workers appears particularly concerned about any potential risk of fraud among beneficiaries. One of the three respondents who favour over-inclusiveness asserts:

“I think the second one [over-inclusiveness] is better. [...] in the end, the organisation is working for the beneficiaries so you have to find a way how to assist not a way how to block it. So I feel like keeping it open in the categories and then leaving it a little bit flexible I think that’s better”.<sup>737</sup>

When asked about how many people would usually be rejected, the same case worker explains:

“Well, rejection happens rarely. It is rare but depending on the criteria. But as I told you before, it is not only about the criteria, it is about the humanity thing. So most of the time I am trying my best to find a way to provide a good service. Since they are here, I mean naturally when you think about something, nobody is happy to go and ask someone for a

<sup>735</sup> Transcript, IOM Respondent 1. See also Section 12.3.5.

<sup>736</sup> Transcript, IOM Respondent 4.

<sup>737</sup> Transcript, IOM Respondent 1.

service. So usually when they come, some of them even say: 'I am not here to beg', like 'I am not even thinking about pretending, I actually need a service'. [...] and even if you can find some of them, they are playing around, like laziness can be there and some of them like short-cuts, that depends, but most of them are just trying for the best'.<sup>738</sup>

*Another respondent holds along similar lines:*

"What scares me always is to decide that someone is not eligible because someone might be in need and you think he is lying or not qualified enough and there is a risk. I don't like that personally. For the person there is no other support to find [IOM is the last resort], if you imagine that, then you understand. The other way around it is no problem for me, if a person tricked me or doesn't really need the assistance or something, I don't mind so much".<sup>739</sup>

The third respondent remarks (when asked about doubtful cases):

"I tend to include almost everyone and then discuss with AVRR. That's what I do now initially. I wouldn't like to risk that that person might have had a chance and then be excluded. So I want to know how they [AVRR] look into it from their own perspective. So I always discuss with [other colleagues]. [...] And I've been getting to know people. I think everyone needs help. But I have to give a list to AVRR every month and I know that list is not going to be looked upon for more than five persons because that's the capacity they have".<sup>740</sup>

The same respondent elaborates (when discussing the risk of beneficiaries not telling the truth):

"But even if you think this person might not be genuine I would take it as genuine because sometimes it is better to be safe than to risk, there are issues where you can't leave it to chance. [...] It depends, if someone comes with a not genuine story to be seen by a doctor, I would provide a doctor. If you are talking about a case for AVRR, at some point it will be figured out because it is a process with that person and it is very rare".<sup>741</sup>

Lastly, the respondent who prefers under-inclusiveness holds:

"It is difficult to say because a person's situation is changing so sometimes it is difficult for us to say that this person is not vulnerable. [...] [I]n case of doubt I prefer to give no assistance because we have limited resources. But maybe I feel the person doesn't need assistance but my colleagues have other information or think differently about it so sometimes I ask the colleagues if I am in doubt. In general when I am in doubt then I have to do more investigation".<sup>742</sup>

<sup>738</sup> Transcript, IOM Respondent 1.

<sup>739</sup> Transcript, IOM Respondent 2.

<sup>740</sup> Transcript, IOM Respondent 3. See also Section 12.2.2.2.

<sup>741</sup> Transcript, IOM Respondent 3.

<sup>742</sup> Transcript, IOM Respondent 4.

#### *12.2.1.4. Other Issues: The Interaction Between Case Workers and Beneficiaries*

Three of the four case workers were asked about and observed in their interaction with potential beneficiaries.<sup>743</sup> This section presents the case study's findings in this respect and focuses, in particular on the respondents' perspective on the role of gender, race, nationality and/or culture, a 'readiness to listen', language barriers and a welcoming atmosphere.

##### Gender

Three respondents mention that gender can sometimes play a role in the interaction between case workers and potential beneficiaries. When specifically asked about whether gender influences the interaction with potential beneficiaries, one respondent asserts:

"Not that much because first time they come they don't know whom they can talk to. But of course especially for the ladies if they have issues they prefer to talk to ladies but at the end they need a service. But of course there are people, it is not that obvious but sometimes I can feel it".<sup>744</sup>

Another respondent replies to the same question:

"Until now it mostly seemed normal but I think there is some migrant communities where the women do not open up too much during the interview, I guess so. Especially for Somalia. I don't think they will be so open with interviewers if they experience any abuses. As I told you, in these cases we need a lot of time, to change the technique of the interview, to arrange the interview in another day, this sort of stuff".<sup>745</sup>

Another respondent holds (when asked about the influence of the interaction with potential beneficiaries upon the vulnerability assessment):

"It's easy for you to know: if the person starts crying, she has some problem. It is a real issue. It is not just faking. Especially the women if they don't want to talk about what they are going through from that journey to come here and not find anything. It is not paradise, this is the world and it is so real and so difficult for them. So this is what we face most of the time".<sup>746</sup>

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<sup>743</sup> One case worker could not be asked due to time constraints and the respondent's limited availability.

<sup>744</sup> Transcript, IOM Respondent 1.

<sup>745</sup> Transcript, IOM Respondent 2.

<sup>746</sup> Transcript, IOM Respondent 4.

## Race, Nationality and/or Culture

Two respondents find that race, nationality and/or culture can play a role in the interaction. One of the above quotes already reflects one of these references to nationality.<sup>747</sup> The same respondent elaborates:

“[S]ometimes I have first impressions but even if I have an impression I will not just take it as a given that my impression is right. You know in our work, where we get experiences with community and vulnerable people you can see something from the beginning but you always have to check. I know from my experience if an Ethiopian girl 18 or 19 comes to me, immediately, I will immediately think about abuse, sexual exploitation etc., maybe trafficked. I put all this in my mind because I know Ethiopian girls face these problems in general. Another example: a Nigerian mother of children I will also put in my mind that she is smuggled and wanted to go to Gulf and now she is supporting herself maybe by making her child beg in the street. You know why, because sometimes this may ease your work because you know what you need to find. But I will not depend on this but I just put it into my mind. For a Somali man for example he will want to try to go to Europe and goes to Libya, is detained and comes back here. From your experience you know and sometimes you are right, sometimes you are wrong. It is also about the experiences with the community but also about the sex and age and educational skills also you sometimes get it from the beginning. Sometimes a girl approaches me and from the beginning I get the impression she is working as domestic worker and is maybe exploited in the house. Then I check and usually in 80% I am right. You know why? Because she is a girl, in her mid-20s and also the look”.<sup>748</sup>

Another respondent holds (when asked about what influences the interaction with potential beneficiaries):

“It is rare but with some of them it can be like race issues so as you know like there is ethnical problems so when they see you they might be like: ‘who are you?’. Maybe you are not from their own nationality and someone else, they come and let’s say they are not accepted immediately they say there is discrimination or it is because of the religion, they try to put this”.<sup>749</sup>

Moreover, the respondent explains:

“Always because we have been experiencing this kind of thing [beneficiaries complaining about discrimination] we tell them this organisation is free of race, religion, ethnicity. We have nothing, it is not about the colour, it is not about the nationality, it is about the documents, it is about the criteria that you have to fulfil. So there are basic things that we had a problem with so always we try to explain it”.<sup>750</sup>

<sup>747</sup> Transcript, IOM Respondent 2 (see above sub-section on ‘Gender’).

<sup>748</sup> Transcript, IOM Respondent 2.

<sup>749</sup> Transcript, IOM Respondent 1.

<sup>750</sup> Transcript, IOM Respondent 1.

### ‘Readiness to Listen’

Three of the four respondents underline the importance of professionalism and respect in the interaction with potential beneficiaries. In line with the MRRC’s Standard Operating Procedures I summarised these aspects under the phrase ‘readiness to listen’.<sup>751</sup> When one respondent is asked about how to deal with any of the abovementioned dynamics in the interaction, the respondent explains:

“We try to make it first of all professional. That it is not because I am a man here and you are a lady that I am going to reject you, that’s not the issue, it’s about the process. So we try to explain the process, how it works: it is not about you, it is about the steps of the decision. And for those who are not comfortable with that I can call [a female case worker] or I refer them to her so she can talk with them. So we are not strict. It is at the end we want the best for the beneficiary. But [a female case worker], if she is not there, then we have to follow the steps”.<sup>752</sup>

In addition, the same respondent holds:

“[Y]ou ask the person and then you can write on a piece of paper and just take notes because in some situations they don’t like it [if you immediately fill in the form]. They feel like they have been monitored”.<sup>753</sup>

The respondent elaborates (when asked about how to deal with people who might hide something or have difficulties to disclose their situation):

“Well, at the beginning it was a little bit tricky but now with the experience and the time I spent here: you don’t have to push it. Not in a negative way but you have to find, for me it is like you have to make them laugh, just make a joke or whatever you say if you see them laughing, smiling, that means things are going ok. Some of them they come stressed because they fear to be rejected so you just make them relaxed. If there is relaxation it is much easier to talk to them. Don’t shoot it like straight-forward like ‘what is this’, ‘what is this’. No, you can use different types of questions and indirectly they’ll be answering them. So it is in different ways, you just adapt the climate”.<sup>754</sup>

When asked about how the interaction plays a role for the vulnerability assessment, another respondent asserts:

“So you know the person who is normal and who is not from how they sit, how they talk. Sometimes they cry, during when they tell you their stories they start to cry. You know if in this area they don’t want to talk that means there is something behind this and this is not a good day to let them talk about it. So you ask them to come visit you again and talk about

<sup>751</sup> IOM (April 2018) 3.

<sup>752</sup> Transcript, IOM Respondent 1.

<sup>753</sup> Transcript, IOM Respondent 1.

<sup>754</sup> Transcript, IOM Respondent 1.

this. And they do that. Some of them they come after one week or one month and they come to say the reasons for this”.<sup>755</sup>

In addition, another respondent underlines (when discussing the interaction with potential beneficiaries): “*Every staff should watch the others because it is about a respectful environment. Humanitarian environment*”.<sup>756</sup> The same respondent also remarks:

“Actually, we respect their [potential beneficiaries’] rights and also we are really, really trying our best to assist, to help them. We respect them and we try to be very very humble and patient with them, try to understand them. We are doing our best”.<sup>757</sup>

### Language Barriers

Two respondents indicate that language barriers can also influence the interaction between case workers and potential beneficiaries. One respondent, for instance, notes (when being asked about the interaction with potential beneficiaries):

“[S]ometimes it is difficult because one word by the migrant may mean something to me as psychologist but maybe it is not important for the translator who translates for me and then it will not be translated which makes it more difficult for me. Sometimes we have this. But we cannot provide interpreter for everyone because there is many different languages, local languages. So it is difficult. But we try our best to know what they are going through”.<sup>758</sup>

When asked about challenges in the interaction with potential beneficiaries, another respondent replies:

“Sometimes language [is a challenge] but the good thing is we have interpreter. And sometimes, some of the migrants they try to hide something, they shy from something to say, this sort of stuff”.<sup>759</sup>

### Welcoming Atmosphere

Participant observation indicates another important aspect for the interactive dynamics between case workers and potential beneficiaries: the attention that is paid to creating a welcoming and relaxing atmosphere at the MRRC.<sup>760</sup> Two case workers emphasise the importance of this welcoming atmosphere. One of these respondents, for

<sup>755</sup> Transcript, IOM Respondent 4.

<sup>756</sup> Transcript, IOM Respondent 2.

<sup>757</sup> Transcript, IOM Respondent 2.

<sup>758</sup> Transcript, IOM Respondent 4.

<sup>759</sup> Transcript, IOM Respondent 2.

<sup>760</sup> Field Note 1, 30–07–18; Field Note 2, 30–07–18; Field Note, 31–07–18; Field Note, 16–08–18.



instance, holds (when asked about IOM's central values in the interaction with potential beneficiaries):

"From my experience whether they get angry or not it depends on their vulnerability and educational background but the atmosphere does make it easier for them to accept, they get angry less easily. If you explain, some of them understand. But others don't".<sup>761</sup>

The same respondent elaborates (when discussing the atmosphere at the MRRC):

"We are doing our best to make this centre to not just as something providing services but even it is like a club for the migrants to come here and relax and discuss their issues, their problems. Share their experiences. We do our best for that. Even sometimes we tell them yes, you can come and watch TV if you want, talk to us if you have anything you can come here. Because we want to create a trustable environment between us and the migrant. That will help us to assist the migrant more and help them to become relaxed. [...] We stimulated migrants to come here and feel comfortable here because often they are scared on the street, at least from detention but also other things. We even have two computers for them and a room for the children. I think to successfully deliver assistance we have to create trustful relationships with migrants and communities. Even we get benefits from this: if I go to talk with them and just laugh, I gain experience about their interpretation of things, their needs, their experiences so this is also necessary for our job to understand them more. We have to be flexible, humble, approach them, lift them".<sup>762</sup>

Another respondent remarks along similar lines (when asked about the biggest value of the MRRC):

"Some of them they really feel like you changed their life. They start to have friends, they start to have some people that come and ask advice from them, you feel they have found their place, this is that place: if they have a challenge, if they want to cry, if they have a new job, if they travel, they come and share their sadness and their good times. This is the only thing I can say about it because some of them really they feel like this is their home. They even sometimes come and say hi, they don't want any service that day. This is the most important thing, making them feel at home and that at this place they can forget. Migrants really, we try to help them so they feel that. I think, if you do that, people come directly. You don't need to do more".<sup>763</sup>

## 12.2.2. SUBSTANTIVE DILEMMAS

### 12.2.2.1. *Substantive Dilemma 1: Short-term Relief and/or Structural Change?*

All respondents mention structural issues as playing a role with regard to the beneficiaries' vulnerability and indicate that, although some activities at the MRRC are

<sup>761</sup> Transcript, IOM Respondent 2.

<sup>762</sup> Transcript, IOM Respondent 2.

<sup>763</sup> Transcript, IOM Respondent 4.

geared towards basic assistance, the overall aim is of a more structural nature.<sup>764</sup> One respondent remarks (when discussing the broader political context of the MRRC):

“So the challenge is: if the problem they [migrants] left behind is not more serious than the issues they are facing now there is no reason for them to continue [the migratory journey]. But there is something pushing them from the back. It can be war, economic trouble, personal reasons. But at the end, if we know like now, at the training we learned the reasons of why they are migrating, we can evaluate that: how to solve those problems”.<sup>765</sup>

When discussing the individual assistance provided by the MRRC, another respondent holds: “I think it is more of looking into resources to both mitigate direct risk but also look into the long-term. Because there has to be a withdrawal and an exit strategy”.<sup>766</sup> The respondent elaborates:

“I think the advocacy on a high level on issues regarding peace and economic situation and improvement of services is a big thing. But that’s the way people on top have to be looking at those issues”.<sup>767</sup>

Additionally, the same respondent remarks:

“I think it has a lot to do with the government. There has to be a lot of advocacy, for both of them, refugees and migrants. [...] More advocacy with the government on these issues, the irregular migration, the borders, the trafficking issues, there are recently some children found. Those I would say are the big issues”.<sup>768</sup>

Another respondent notes (when discussing dependency):

“You know as I told you it is not allowed for us to help undocumented migrants to work here in Sudan and as a migrant without documents it is not easy for them and it is not easy to find a job so maybe the only solution they choose for themselves is to travel and go back to their country. And this is the last solution we can help them with. And this small, for example for the vulnerable cases, extreme vulnerable cases, to give them cash for food during that time. It is not enough for someone who has to wait for one more year but we cannot help with more. We can provide them school, some clothes, medical services. That’s what we have here”.<sup>769</sup>

Moreover, all respondents consider, in particular, the MRRC’s community focus and the provision of indirect assistance through communities as crucial measures for achieving structural change (see Section 12.2.2.4).

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<sup>764</sup> On Respondent 2 see Section 12.2.2.2.

<sup>765</sup> Transcript, IOM Respondent 1.

<sup>766</sup> Transcript, IOM Respondent 3.

<sup>767</sup> Transcript, IOM Respondent 3.

<sup>768</sup> Transcript, IOM Respondent 3.

<sup>769</sup> Transcript, IOM Respondent 4.

#### 12.2.2.2. Substantive Dilemma 2: Control and/or Support?

The tools or procedures to monitor and/or verify an individual beneficiary's situation appear to be limited at the MRRC.<sup>770</sup> Yet, three respondents comment on such control-related measures in different instances during the interviews. One respondent, for instance, explains one way of monitoring and verification: “*we pay, for example, fees and the schools, now, I am trying to contact them one by one to check their status and see whether they are in need or not*”.<sup>771</sup> In addition, the same respondent remarks (when asked about what the respondent would change about the assessment):

“If follow-up would be done for the beneficiaries before providing the service, like for the ones who want to return to their country [...] We used to ask for a contact address in the country of origin [...]. Now of course we have the AVR[R] but also before we start the service if any check-up needs to be done, I think adding the address would be useful. It would also give them comfort that we will still be following up with them even after they go to their country”.<sup>772</sup>

Another respondent holds (when discussing how the MRRC could still be improved):

“[I]f you are managing a case management office, at the end of the day I want to have a vague idea of who was there. I can ask reception but if you don't want to do that, you just want to know how many people were screened and I thought you should be able to see that from the online system. [...] Also to see maybe if there is an influx of clients with specific issues, these things you need to monitor”.<sup>773</sup>

Another respondent asserts (when asked about whether and how beneficiaries are being followed-up):

“Yes, I follow up with my cases. But the person has a right to choose if you want to have any treatment here with the doctor or in the counselling room. They have to start. If they want to start or they want to stop, they have the right to choose. So it is voluntary, it is not something you can make people do. [...] If they want to come you are welcome but if not, also you have the right to”.<sup>774</sup>

The same respondent remarks:

“Also it is important to do more home visits because you don't know their real situation but you have to see the environment in which they live, their family, friends, housing etc. From their story, most of the time, we know their situation so it is case by case. Sometimes it takes more time for me to find out: maybe at the time he does not fit the criteria but then I take

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<sup>770</sup> Field Note, 29-07-18.

<sup>771</sup> Transcript, IOM Respondent 1.

<sup>772</sup> Transcript, IOM Respondent 1.

<sup>773</sup> Transcript, IOM Respondent 3.

<sup>774</sup> Transcript, IOM Respondent 4.

time to find out more either because the situation changes or because I get to know more he will fit after a while. You have to be sure, with this little amount [of money] we have”.<sup>775</sup>

All four respondents also have an opinion on support measures and primarily refer to the role of communities in this respect. One respondent, for instance, asserts (when being asked about structural change):

“Telling you frankly, our assistance is individual assistance. But I think sometimes to reach the individual or assist the individual it is not going to the individual directly. Sometimes, if you go to the individual’s community you will reach the individual. Sometimes even for the community and the individual: If you reach the structure, you can reach the community and the individual. I think you have to do it all at the same time. They are complementary activities, interactive activities”.<sup>776</sup>

When asked about any risks in the direct assistance provision to beneficiaries, another respondent similarly asserts:

“When you do the outreach, looking for sustainability, we try to build networks with the communities. So if I have someone who is knocking at the door and stranded, doesn’t have a community, [...] then I can put him in the community where they have a safe house. That’s a more sustainable thing to do than only providing cash. [...] Because one day we might not be there anymore so we have to build on other pillars, other places where we can make sure if we are not there, there are things in place that can keep it going”.<sup>777</sup>

The respondent also remarks (when discussing empowerment and direct assistance): “There should be capacity-building for the people you are working with so they can empower their communities and we should try to withdraw eventually”.<sup>778</sup>

Another respondent asserts (when being asked about structural change):

“We are working on different types [levels of assistance], it is not good to only focus on one type but I am talking about here in MRRC we work with individuals because this is within our possibilities here and we don’t forget that we also have the communities and have more responsibility so our colleagues also work on the different areas so it is important to combine”.<sup>779</sup>

Lastly, the fourth respondent notes two other support measures (when discussing structural change):

“Some time back there was some, like, income-generating activities. We used to provide them. Most of the individuals they joined and we’ve been working with micro-financing

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<sup>775</sup> Transcript, IOM Respondent 4.

<sup>776</sup> Transcript, IOM Respondent 2.

<sup>777</sup> Transcript, IOM Respondent 3.

<sup>778</sup> Transcript, IOM Respondent 3.

<sup>779</sup> Transcript, IOM Respondent 4.

and they changed their lives. [...] But at the same time, it is about how do beneficiaries receive the services we are providing: some of them they are just sitting and waiting for the cash support like they are children and then that's it. They will be expecting they can be dependent on it. Making it clear to them that it is a vocational training and that after the training some of them they are working as employee, others they try to open their own business. So if they start with this mentality it can change their lives. The whole structure can be changed. So again it is depending on the mentality of the beneficiaries. The other thing is, if we are going to provide them microfinancing support it is not that we provide it just immediately. They should find a way to follow up with that income-generating activity and only if they are not succeeding and if you see they are working you try to support them. And the other thing is we try to take some salary from them and keep it for them in case there is any change like going back or their incomes stop, they can access it. Or even by working good and they have income, by sharing that they can provide service to others. So it depends on how things are going but in the MRRC setting we were working with this before”.<sup>780</sup>

#### *12.2.2.3. Substantive Dilemma 3: Material Needs and/or Protection Risks?*

When case workers were asked about how they would define vulnerability, two respondents link vulnerability primarily to material needs while two respondents consider vulnerability to be about both material needs and protection risks. One respondent who links vulnerability primarily to material needs, for instance, asserts:

“[Vulnerability means that] [s]omeone that cannot support him- or herself, that [he/she] is depending on someone or an organisation for surviving. So each member of the society that is requesting a service [is vulnerable]. So it can be different types of services [...]. [W]e are dealing with migrants and migrants they have basic needs so it is shelter, it can be food, it can be medical issues. Some of them they are stranded in-between so they would like to go back. So vulnerability at the end is requesting [relief] for a need. I guess that's the basic [ideal]”.<sup>781</sup>

When the respondent is asked about the value of the term vulnerability, the respondent replies along similar lines:

“I never thought about it but I heard the term in many places. So at the moment I think it is ok. Why? Because every time you use the word you don't use it like it means you are weak. No, it is vulnerable – you need assistance. So it is a classic word. It can be like for people who are poor, people with a low level of anything. [...] So it doesn't prefer or differentiate the level or the lifestyle of some person. It is like 'you need a service'. You have a lack of something. So I think at the moment it is a reasonable word”.<sup>782</sup>

<sup>780</sup> Transcript, IOM Respondent 1.

<sup>781</sup> Transcript, IOM Respondent 1.

<sup>782</sup> Transcript, IOM Respondent 1.

Another respondent similarly views vulnerability as primarily related to material needs:

“If you take vulnerability at the MRRC, it is about their [migrants’] need. We have criteria like very vulnerable, extremely vulnerable, a woman with a baby and single, who doesn’t have someone to help her, would be vulnerable. Like this. The one with HIV and cannot work, elderly and many things like this we have criteria for that with vulnerable and extremely vulnerable cases. In that way. Any migrant who comes here and ask for service: they are vulnerable. They need medical, they need food, sometimes they need to travel and go back home but they cannot pay for a ticket. So for us they are vulnerable”.<sup>783</sup>

Yet, two other respondents link vulnerability to both material needs and protection risks. One of these respondents, for instance, asserts:

“For me, vulnerable people, a vulnerable person, would be in a situation where he is in a state to be exploited or I would say, depending on the situation first and then according to the setting where he is. I mean if you don’t find yourself backed by policies or guidelines you are starting to be vulnerable because if anything were to happen to you, you won’t be backed by laws or guidelines. [...] And when you are in a state where you have needs, you can easily be exploited. If you want to migrate, let’s say, irregular migration, then you put yourself in a vulnerable situation to be exploited, smuggled and all these sorts of things. So it is a broad word but I think I can sum it up in that way: You find yourself in a situation where you are vulnerable and you can be exploited”.<sup>784</sup>

Another respondent holds:

“What comes to my mind are the people who need protection. The people who need more care and vulnerable people for me are the people who cannot take care of themselves to face the problems they face, to live well their lives and to get wellbeing like psychological wellbeing and also to integrate on their own and to add to their community and society”.<sup>785</sup>

When asked about the term vulnerability, this respondent replies:

“The term vulnerability? For me it is still very, very, very wide. It is not easy to define and also it does not just depend on the status of the person. I cannot see the vulnerable migrant who is just like that, for instance all old people or something like that. I think it depends on the situation. The current situation. Or maybe the future situation. Yes, I think it is very very wide. [...] It is a useful term I think. I think it is useful and a very flexible term. Why? Because if I replace it for instance with the term ‘weak’ sometimes ‘weak’ does not describe the situation well. Maybe the person is not weak but now in a situation that makes him vulnerable. It is not weak. Say VoTs [victims of trafficking], maybe the case is not weak but now [the person] is vulnerable because people cheated him, put him at risk, in a bad situation, exploited him or her. But they are not weak. We cannot say vulnerable VoTs are

<sup>783</sup> Transcript, IOM Respondent 4.

<sup>784</sup> Transcript, IOM Respondent 3.

<sup>785</sup> Transcript, IOM Respondent 2.

weak but now they are vulnerable because of what happened to them. And I can't think of a word that would better describe this than 'vulnerable'. And also I think sometimes it differs from person to person".<sup>786</sup>

#### *12.2.2.4. Other Issues: Dependency and Self-Reliance*

Throughout the interviews, all four case workers refer to concerns about dependency and/or to a desire to activate potential beneficiaries.<sup>787</sup> One respondent, for instance, holds (when discussing the length of assistance):

"When it comes to the cash support it is maximum two or three months. More than three months you cannot provide to one person because at the end they have to be independent".<sup>788</sup>

When discussing whether and how the MRRC's vulnerability criteria differ depending on the service, the same respondent notes:

"And it [the time limit for cash assistance] doesn't mean that if the maximum is three months we are continuing to support in some instances. No, the services we are providing, there has to be a change, like she found a job or they have another source of income or maybe they found other people to help them".<sup>789</sup>

Another respondent holds (when discussing over- and under-inclusiveness):

"I think dependency plays a big role. As human beings we tend to fall always on things that are easiest. So let's say I have people coming to be screened and eligible for AVRR, they are in the criteria but not a very high priority. I wouldn't want to give someone false hope so I would tell them go and see if there are other options. There are people in the waiting list, even if you qualify, that are years on the waiting list. So yes, we do take you back but then there are people who go and come back, go and come back. But there are people, I don't think everyone has the ability to look into other options and find ways of helping themselves".<sup>790</sup>

When explicitly asked about the issue of dependency, the respondent adds:

"I wouldn't say this is within the mandate [to decrease dependency]. I am not sure if IOM would train migrants who are seeking AVRR to establish an IGA [income-generating activities] project at the moment because, this is different from refugees because they stay, for migrants in the AVRR you cannot invest in an IGA project and in six months they are back. Maybe with people who are confirmed and they have an idea of what they would like to do upon return, maybe you can empower them and develop a business plan, these sorts of

<sup>786</sup> Transcript, IOM Respondent 2.

<sup>787</sup> On IOM Respondent 2 see Section 12.2.2.2.

<sup>788</sup> Transcript, IOM Respondent 1.

<sup>789</sup> Transcript, IOM Respondent 1.

<sup>790</sup> Transcript, IOM Respondent 3.

things, microfinance, which can empower them and get them ready for when they are back in their country. [...] If we did that, it would [contribute to empowerment]. The services we provide now, I don't think we do this at the moment".<sup>791</sup>

Another respondent asserts (when asked about whether dependency considerations play any role for case workers):

"If we help them [migrants] we don't help them more than three times so already we tell them about this: yes, I am helping you now and I see you are in need and need support but the next time will be the last".<sup>792</sup>

Another respondent similarly remarks (when discussing dependency):

"So sometimes if from the beginning we assist everyone and you know babysit everyone and this stuff, we don't do this because this does not encourage them to work hard to do their best so that it is why at the MRRC we are not even sent for the migrant community for our beneficiary here [we say] 'we are not holding you in your back, we are pushing you, we are supporting you to continue in your life'. [...] Like if you have children, you don't have to do everything for them but you have to leave them space. You can show them the direction and then make them go, not hold them and carry them until the end. [...] we want to activate the community so they should do this themselves. So dependency is not only about the individual but also the community and even structure. Don't give them everything but you also have to make them engage".<sup>793</sup>

### 12.3. CONTEXTUAL CONSTRAINTS FOR THE VULNERABILITY ASSESSMENT IMPLEMENTATION

This section outlines to what extent and how the respondents involved in the implementation of the vulnerability assessments for basic assistance at IOM's MRRC in Khartoum perceive contextual constraints as relevant for the implementation of the vulnerability-focused provision of basic assistance. In this study, contextual constraints are defined as the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy.<sup>794</sup> The section relies on the six contextual constraints outlined in Chapter 3, namely the potential role of 1) IOM's mandate and its international legal obligations, 2) financial and resource constraints, 3) the international community, 4) the operational environment, 5) previous experiences and 6) the organisational structure and culture.

<sup>791</sup> Transcript, IOM Respondent 3.

<sup>792</sup> Transcript, IOM Respondent 4.

<sup>793</sup> Transcript, IOM Respondent 2.

<sup>794</sup> See Section 1.7 and compare Chapter 3.



### 12.3.1. THE ROLE OF IOM'S MANDATE AND ITS INTERNATIONAL LEGAL OBLIGATIONS

When asked about the role of IOM's mandate and human rights for their work, two of the four case workers consider human rights somewhat relevant but none of the case workers prominently refers to IOM's mandate. One of the two respondents who appear to consider human rights as relevant remarks: *"Here in the centre every staff, we respect everyone, we don't abuse or discriminate"*.<sup>795</sup> The other respondent holds (when specifically asked about the fact that the vulnerability screening contains a section on human rights violations):

"This one it came lately actually, the human rights thing. Because most of the beneficiaries they come and they tell that they have been abused by the authorities. So let's say they have ID card and they have to show it, the police will just tear it apart".<sup>796</sup>

When asked about what IOM does about any such human rights issues, the same respondent notes: *"Well, lately we introduced the [referral to external] legal advice and they will be following up with the cases"*.<sup>797</sup> Simultaneously, the respondent also asserts:

"[K]nowing that there are rights, that you can follow up on your rights is not only important for that person but for the others as well. It is [...] about a person from the police or the military abusing the law".<sup>798</sup>

### 12.3.2. THE ROLE OF FINANCIAL AND RESOURCE CONSTRAINTS

Without explicitly being asked about it, all case workers mention financial and/or resource constraints as directly relevant to their implementation of the vulnerability assessments. When asked about challenges regarding the vulnerability assessments, one of these respondents, for instance, remarks: *"And of course resources and things"*.<sup>799</sup> Another respondent similarly holds upon the same question: *"So there is also in my work, I need to prioritise; I have limited resources and limited money so I have to spend it on the extremely vulnerable now"*.<sup>800</sup> Another respondent asserts along similar lines (when asked about how dependency could be mitigated):

"Well everything is depending on the budget at the end so depending on the budget and the different kinds of project I would suggest for some kind of training in different fields because now many come and ask for training".<sup>801</sup>

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<sup>795</sup> Transcript, IOM Respondent 2.

<sup>796</sup> Transcript, IOM Respondent 1.

<sup>797</sup> Transcript, IOM Respondent 1.

<sup>798</sup> Transcript, IOM Respondent 1.

<sup>799</sup> Transcript, IOM Respondent 3.

<sup>800</sup> Transcript, IOM Respondent 4.

<sup>801</sup> Transcript, IOM Respondent 1.

Another respondent notes (when asked about IOM's central values):

"[M]ost limitations came because of budget, budget, budget. Also the staff is not enough to do everything at the moment. The first thing to do with more budget would be to review everything but with cash for example raise the amount and make the criteria broader. At the moment if we always have to tell them we don't have anything we disappoint them so also with the outreach we try to do less and less to not raise the expectations. At the moment as manager of the centre you cannot change anything with this budget so I wouldn't want to be that".<sup>802</sup>

The same respondent elaborates:

"IOM is doing very good for the migrants. Very good, very good for the migrants. But I think sometimes there is also a lack of resources, you know. For me, I know IOM can do more and better for the migrant communities and for the migrants here in Sudan but sometimes the scarcity of resources, the limit of the resources, becomes like, you know, a wall in all that. As you know in our work here there is many people they would like to return to their country, some of them vulnerable, some of them are very vulnerable but there are a lot of cases and we cannot assist all of them".<sup>803</sup>

### 12.3.3. THE ROLE OF THE INTERNATIONAL COMMUNITY

Without explicitly being asked about it, two of the four case workers refer to the influence of donor interests. One of these respondents, for instance, holds (when discussing the role of financial and/or resource constraints):

"I would like to assist 100 but we can only assist 30 because we don't have the resources. Also with the safe house or communities but if I go to my supervisor they say we don't have a project to support this. Also with cash, we should provide more in my opinion but it is the limit of the project".<sup>804</sup>

Another respondent asserts (when discussing any need for clarification in the current vulnerability assessments):

"So sometimes we see a sick person that should go [to their country of origin] but then there is a different mandate or donor requirement [at AVRR]. If the donor is looking for certain people, this is even sometimes the case with the screening: you don't tell the people but if the majority of the people has to return to East Africa because that is the mandate of the donor then maybe you cannot assist other vulnerable cases from other countries".<sup>805</sup>

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<sup>802</sup> Transcript, IOM Respondent 2.

<sup>803</sup> Transcript, IOM Respondent 2.

<sup>804</sup> Transcript, IOM Respondent 2.

<sup>805</sup> Transcript, IOM Respondent 3.

This is also reflected in IOM's reports on the MRRC's activities in the first half of 2018 which mention, for instance, that special needs children should be considered in the vulnerability assessments because "[t]his will also be good for donors".<sup>806</sup>

In addition, two case workers mention the collaboration with other UN agencies. One of these case workers remarks (when being asked about any contact with other agencies):

"For the MRRC it is not only local organisations but also some UN agencies that we collaborate with. But those things they are done by the supervisor of the MRRC. Yes, there is contact, that's how the projects have been made but it depends on the different types of activities. At the end all the projects what they provide is assisting the migration. [...] there is no official referral at the moment but we make contact with UNHCR so if they are no longer under UNHCR and they want to go back there can be some cooperation and then based on the referral document they are using they can be assisted. [...] So there is contact with UNHCR and with UNICEF as well for the unaccompanied minors. There are other organisations as well, both local and international. So we have a wide web of contacts".<sup>807</sup>

Another respondent holds (when being asked about the operational environment):

"NGOs externally, the international community, even UN agencies, I don't see them working as close as – I think there have been improvements in recent years – [...] I was experiencing this when I was doing the project with UNHCR: Sudan has a big issue of referral maps: there is like I can be working with UNHCR but there is no communication with other organisations. Also in the camps there are different organisations working on the same issue and everyone has a different road map [...]. There is no referral map. One of the challenges when I was talking to UNHCR was that sometimes you don't even know who is doing what. [...] Now UN agencies are trying to communicate but it is still not as it should be. Now loads of organisations are doing migration and development work. [...] I am not sure what exactly UNHCR is doing, if they are sticking to what they are doing, I cannot send someone there and say go to this and this and this place and be sure that this place is there".<sup>808</sup>

Respondents involved in the implementation of the vulnerability assessments at IOM's MRRC in Khartoum were not directly asked about the three international political priorities identified in Chapter 3 (emergency relief, sustainable development and migration management). However, the case workers' general replies to different issues covered during the interviews (especially when answering questions about the value and purpose of the MRRC) provide some insights on the role of these priorities.

The emergency relief rationale does not appear as a prominent consideration in the replies by respondents involved in the implementation of the vulnerability assessments at the MRRC in Khartoum. The sustainable development rationale, however, plays a prominent role in the replies by all respondents, in particular with regard to their

<sup>806</sup> IOM (July 2018b).

<sup>807</sup> Transcript, IOM Respondent 1.

<sup>808</sup> Transcript, IOM Respondent 3.

perspectives on the activation of potential beneficiaries and in their perspectives on structural change.<sup>809</sup> In addition, the migration management rationale is reflected in the replies by three of the four respondents, namely with regard to IOM's challenges in the operational environment<sup>810</sup>, in relation to dependency<sup>811</sup> and regarding structural change.<sup>812</sup> In addition, when asked about the MRRC's main purpose, one respondent remarks: *"So that is the main focus at the moment: in order to decrease the flow of migration, what are the basic things you need to do here"*.<sup>813</sup>

### 12.3.4. THE ROLE OF THE OPERATIONAL ENVIRONMENT<sup>814</sup>

All case workers were asked about their perception of the operational environment in Khartoum and how this impacts their daily work at the MRRC. The findings indicate that case workers find the operational environment in Khartoum challenging both for IOM and for potential beneficiaries.

#### 12.3.4.1. Challenges for IOM

Three of the four respondents assert that the operational environment is challenging for IOM in several ways. When asked about challenges external to IOM, one respondent, for instance, asserts:

"In Sudan, externally, politics. That is always challenging. That's what I like maybe, trying to bring people on board, people in power, in the government. That's the biggest external issue. [...] And sometimes organisations see it from a different perspective and then government sees it from a different perspective. And then there start the delays and access problems and there are a lot of things ongoing and more has to be done on that. [...] and the economic situation, I can't push for opportunities for migrants because they have to go back but for refugees at least provide some apprenticeship".<sup>815</sup>

However, the respondent also adds:

"[T]hings have been improving in the last year or so. They [the Sudanese authorities] are more open to see other perspectives and endorse other international guidelines which is an improvement by provision of access and collaboration so we hope that this is going to make things better for us and service provision because in the end if we don't have the medical services then at least we know where we can send migrants for services, like government

<sup>809</sup> Compare Sections 12.2.2.1, 12.2.2.2 and 12.2.2.4.

<sup>810</sup> Compare Section 12.3.4.

<sup>811</sup> Compare Section 12.2.2.4.

<sup>812</sup> Compare Section 12.2.2.1.

<sup>813</sup> Transcript, IOM Respondent 1.

<sup>814</sup> Compare also Chapters 5 and 10.

<sup>815</sup> Transcript, IOM Respondent 3.

hospitals and they can really accept them. So hopefully it will continue like this but as I said there is still loads of work“.<sup>816</sup>

When specifically asked about the MRRC’s relationship with the Sudanese authorities, another respondent remarks:

“Well it is good but of course there is up and down with what is happening. For example now we have a problem with the visa issues. So since June 2017 the AVR [Assisted Voluntary Return] was pending and the problem was: all the migrants they have to pay a penalty and IOM didn’t pay the penalty so they made a deal with the government to pay for the exit visa and travel document and then it worked. But lately a new concept came up: that every illegal migrant have to pay for a penalty. So those are the kind of obstacles for the organisation over the years“.<sup>817</sup>

Another respondent provides a similar account when asked about the external challenges for IOM with regard to the vulnerability assessments:

“First of all it is getting cash from the banks. Actually here the government ordered all banks to only allow people to take less than 3000 SDG per day so it is very, very difficult to get money from the banks. Second, the exit permit process is very, very lengthy, takes a long time, very, very difficult to get it. Also the high amount of penalty the government imposes on migrants. Those are the challenges we face here“.<sup>818</sup>

#### 12.3.4.2. *Challenges for Potential Beneficiaries*

All four respondents also refer to challenges for potential beneficiaries that are specific to the operational environment in Sudan. When asked about the vulnerability of migrants in Sudan, one respondent, for instance, asserts:

“For example Ethiopians they come here just to work, most of them. You find some of them for example they want to go to Libya but they found that Sudan is a place you can live and earn money. Now the economic situation is becoming difficult for them and now they want to go back. Nigerians they come because they think it is a safer and cheaper way to go to Hajj in Saudi Arabia and they find themselves here without any documents and with the person saying that he or she will take them there and they just disappeared and now they can’t find them. Somalian, some of them they are refugees and they want to go back to their country because after all these years they didn’t get anything from that. So it is different contexts, everyone has their problem [...]. So everyone I think is different from the other“.<sup>819</sup>

<sup>816</sup> Transcript, IOM Respondent 3.

<sup>817</sup> Transcript, IOM Respondent 1.

<sup>818</sup> Transcript, IOM Respondent 2. On the worth of the SDG amount at the time of research see Section 10.2.3.

<sup>819</sup> Transcript, IOM Respondent 4.

Upon the same question, another respondent holds:

“You know they are always at risk of detention. And also even every day, for example, if someone wants to get an exit permit today, if you go to the immigration office, he will be told the exit visa is for example 6000 SDG. If he try to just collect money you will find that he has to spend more days so it is now more than 6000. So this really increases their vulnerability. And also encourages them sometimes to migrate illegally or irregularly. I know many migrants who say oh we cannot pay for the exit so let's go by bus [irregularly]. I don't have money so I am a potential victim for anything. When I tried to do it the right way that way was closed so now the exit fee increases my vulnerability. The high penalty can make them more easy to be exploited and also makes them more likely to do something that is not in their choice. This is also vulnerability, if you do something that is not your choice. It may lead them to do something that they are exploited. Or it will make them to return irregular because the right way is blocked. And they will be at risk of detention if the police catches you as irregular“.<sup>820</sup>

Another respondent remarks (when discussing any gaps in the vulnerability assessments): *“[T]here are people that have been staying for more than ten years but they don't have any documentation”*.<sup>821</sup> When asked about the role of the Sudanese context for the vulnerability of migrants, the same respondent notes:

“Most of the nationalities ones they work in Sudan, the exchange rate to their country has decreased so they used to work here and could save some cash but now with the economy changing everybody now is trying to go to other countries. For example, before 600 SDG was 1000 Birr but now 1000 Birr is 1500 SDG [...] And also the legalisation issue“.<sup>822</sup>

When asked to clarify this “legalisation issue”, the respondent explains:

“I mean they were providing documentation ID card and it was 150 SDG but now it is 2000 SDG. So if you are saying you want to legalise them, one person, what is the monthly income? 1000 SDG maybe. And they ask for 2000 SDG. So on paper they allow to legalise their stay but it is too expensive. [...] And the police, whenever you go, even they are going to tear in half or take away their papers. So in the beneficiaries view it is abuse [...] The vulnerability is increasing every day“.<sup>823</sup>

Another respondent remarks (upon the question of how vulnerability plays a role in the work of a case worker):

“For us, migrants – I would say most of them are vulnerable. You can say anyone who is a migrant, to start with because he doesn't have refugee status, he is not backed up with so many

<sup>820</sup> Transcript, IOM Respondent 2. See also Section 12.3.4.1. On the worth of the SDG amount at the time of research see Section 10.2.3.

<sup>821</sup> Transcript, IOM Respondent 1. Compare also Section 5.3.

<sup>822</sup> Transcript, IOM Respondent 1. On the worth of the SDG amount at the time of research see Section 10.2.3.

<sup>823</sup> Transcript, IOM Respondent 1. On the worth of the SDG amount at the time of research see Section 10.2.3.

of the services. So it is starting with him being in this situation. The other thing is, without being able to be identified as asylum seeker or you don't have papers, then you are vulnerable: you can see they are avoiding to go on the streets out of fear to go to prison. They don't have the legal right to work so they don't know how to feed themselves or their children if they have a family. They have to go knock on many doors, go to an organisation and try their best but the organisations don't have the resources to help everyone to the extent they would expect".<sup>824</sup>

When asked to clarify the differences between refugees and migrants in Khartoum, the same respondent adds:

"I think with providing services, refugees feel a little, although the vulnerability is always there, there are communities that are very well-established, Ethiopians and Eritreans, for a very long time. They have access to education, some of the universities, they have places in some of the colleges, even at Ahfad [university for women in Khartoum]. And they can work, they can travel a little bit, much much easier. They have, they are empowered, to some extent. More than the migrants. And they know, because most of them, their refugee communities have been well-established for years so they have good networking. If some of them is going that route, everyone knows what to do, everyone knows UNHCR and they find their ways around. Those things are a little bit different now with Sudan itself, as a country, economically suffering. Everyone is experiencing this, refugees and migrants and Sudanese".<sup>825</sup>

### 12.3.5. THE ROLE OF PREVIOUS EXPERIENCES

Participant observation suggests that previous experiences by other agencies in the migration and/or humanitarian sector are not directly relevant to the implementation of the vulnerability assessment at the MRRC in Khartoum.<sup>826</sup> However, when asked about experience with any other vulnerability assessments, one respondent comments on the role of UNHCR criteria:

"[W]e know UNHCR criteria to define the refugee, who is in need of protection and this stuff. We know it but I don't have experience with UNHCR but I know the criteria used to define who is a refugee. To define who is in need of international protection, that stuff. They have criteria but I don't have experience on that, applying it".<sup>827</sup>

When asked to clarify whether there are any relationships between the vulnerability assessments by UNHCR and IOM, the respondent adds:

"It is the same criteria. Both are like talking about vulnerable people, people in need of protection but the difference is with UNHCR it is criteria related to people at risk of

<sup>824</sup> Transcript, IOM Respondent 3.

<sup>825</sup> Transcript, IOM Respondent 3.

<sup>826</sup> Field Note, 18–02–18; Field Note, 29–07–18.

<sup>827</sup> Transcript, IOM Respondent 2.

persecution, who need the international protection and this stuff but our criteria are for migrants who are not in need of international protection who does not face any persecution or there is a risk for them to return back to their country or to their community. This is just the difference: they are working with refugees. So the same criteria but for refugees. Here, the same but for migrants”.<sup>828</sup>

In addition, throughout the respective interviews, three respondents mention a regional training on vulnerability which they had received and/or to exchanges with other IOM offices. One respondent asserts (when discussing IOM’s operational environment):

“[L]ast May I was in Ethiopia and I met people from other MRRC’s, also from Djibouti. We had a training together. Djibouti, Somalia, Ethiopia, I think the most important thing that they like about the MRRC was that we have a psychologist, we have a doctor, we have interpreters. They like. Even some of them they say this should also be the standard for the other MRRC. Because they say ‘Really, you have all this?’, we have the AVRRC, Outreach, psychologist, doctors, interpreters so they say this is like the standard for the other MRRC’s in the Horn. They say that; they like our experience here in Sudan. Still we need to do some things more but for them it was a good example. I think really, it was only established in 2015 so we can say, some of them, like in Somaliland they established in 2009 so still we have something we can do more”.<sup>829</sup>

Two respondents are aware of the assessment being developed at IOM headquarters. When asked about the assessment developed at IOM headquarters one respondent shows me the training which MRRC staff received on this assessment.<sup>830</sup> Upon the same question, another respondent holds:

“Yes, I did have a quick look. It was a bit complicated so you have to be a professional on it [...] You have to have a person who took a training and practice and work with it because there were kind of topics on it, there was no detail so I think it was a little bit, not so supporting. [...] For me the form we have now is fine, it is not so complicated at the moment. So Kobo [the current screening form] is better. Knowing the first one and now having Kobo you can just mix up things and at the end you can fill the form with an understanding of the complete story for it”.<sup>831</sup>

Previous staff experiences also appear relevant to the implementation of the MRRC’s vulnerability assessments. In order to guarantee the respondents’ anonymity, this section does not include direct quotes and is kept in very general terms. The professional background of case workers differs: one is a psychologist, one had previously been an interpreter, one used to be a project coordinator and one used to be engaged in community outreach before. However, the case workers have a shared experience which

<sup>828</sup> Transcript, IOM Respondent 2.

<sup>829</sup> Transcript, IOM Respondent 4.

<sup>830</sup> Transcript, IOM Respondent 2.

<sup>831</sup> Transcript, IOM Respondent 1.



seems to influence their response: three of them have worked with migrants for several years while only one of them has previously focused on refugees and only recently started working with migrants. None of them has worked in the camp context before or has been engaged with any (UN) agency that focuses on humanitarian issues.

### 12.3.6. THE ROLE OF THE ORGANISATIONAL STRUCTURE AND CULTURE

This section presents what participant observation and interviews with respondents suggest about the role of IOM's organisational structure and culture for the implementation of the vulnerability assessments at IOM's MRRC in Khartoum. When explicitly asked about it, respondents were reluctant to comment directly on the organisational structure and culture. However, several characteristics emerge from respondents' replies to other questions (e.g. questions about the biggest challenge of the organisation, the value of the MRRC or the general atmosphere and assistance provision at the MRRC). On this basis, I identified the following aspects as relevant to policy implementers in the present case: flexibility and organisational learning, skills development, communication and respect.

#### 12.3.6.1. *Flexibility and Organisational Learning*

The replies by two respondents indicate the relevance of flexibility and organisational learning at the MRRC. One respondent, for instance, holds (when asked about how the vulnerability assessment evolved):

“Maybe a couple of months back there was a revision and even now there will be a second revision because it cannot continue for a long time these criteria because the situation is always changing due to the politics of the government, I mean the policies change, life in the country changes because now let's say for the cash support or food support one year ago and now they cannot live on that. If you provide a single person 400 SDG, now what can you do with 400? So based on that I think it is quarterly or every six months”.<sup>832</sup>

When asked to clarify how these adjustments work, the case worker adds:

“Well usually we are asked for our opinions because we are in daily contact with the beneficiaries but at the end of the day the decisions are taken by the administration. But they collect feedback even from the beneficiaries like how are the services? What services do you expect us to add? Or how can we improve the services we are providing?”.<sup>833</sup>

<sup>832</sup> Transcript, IOM Respondent 1. On the worth of the SDG amount at the time of research see Section 10.2.3..

<sup>833</sup> Transcript, IOM Respondent 1.

Another respondent suggests along similar lines (when asked about what happens if a vulnerable beneficiary does not fit into any of the vulnerability criteria):

“That means you made a mistake: maybe there is a category and I couldn’t find it or there is a category and we missed to include it. In this case we have to update our categories”.<sup>834</sup>

#### 12.3.6.2. *Skills Development*

Participant observation and the interview replies by three respondents indicate that case workers involved in the vulnerability assessments have received a variety of different trainings. One respondent, for instance, remarks (when asked about any trainings on vulnerability):

“Three months back I think we had a human trafficking workshop on how to screen human trafficking so we have but that was the first training. But according to the rules of the organisation there are trainings you should attend. [...] Majority was talking about human trafficking and smuggling so it was about how to approach them, how to screen them because you have to be a bit cautious, you have to be careful because all of them they have been traumatised or they have been treated not in a good way. So we had a special training on how to receive them and that the person should then be approached by a doctor or an expert. Because they are very sensible at that moment. Vulnerability we talked about in the context of exploitation so whether they know what might happen or not always the risk of exploitation is there. So those are the basics”.<sup>835</sup>

#### 12.3.6.3. *Communication*

Participant observation during a staff meeting indicates that case workers consider the communication among MRRC staff as important but simultaneously think that this can still be improved.<sup>836</sup> In addition, one respondent underlines the importance of communication in several instances during the interview. When asked about the biggest challenges for IOM and the MRRC in Khartoum the respondent, for instance, remarks:

“For me, communication. There is always in big organisations, you tend to loose things in the middle. And people tend to do their own thing. Which is kind of dispersing the effort. I am sure there would be people doing things in organisations with the same mandate, the same ideas but everyone separate. It would be more effective if they joined their efforts, it would bring more value to their work. [...] But there is always challenges wherever you go”.<sup>837</sup>

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<sup>834</sup> Transcript, IOM Respondent 2.

<sup>835</sup> Transcript, IOM Respondent 1.

<sup>836</sup> Field Note, 13–08–18.

<sup>837</sup> Transcript, IOM Respondent 3.

When discussing any need for clarification in the current vulnerability assessments, the same respondent asserts:

“[I]f you don’t know exactly what AVRR is doing or what their mandate is, it might be the case that I screen someone and think this is someone who should return through AVRR but then it is not someone from the countries listed as those which we should be looking into at the moment. [...] So it needs sometimes great collaboration, [...] we need to sit together and think about because you cannot tell someone yes, you are eligible but you have to wait two or three years”.<sup>838</sup>

#### 12.3.6.4. Respect

Participant observation during a staff meeting indicates that case workers are concerned about and value mutual respect among MRRC staff.<sup>839</sup> In addition, one respondent asserts during the interview (when being asked about human rights): *“I know everyone here, even security and cleaners. We all respect everyone, we watch each other. I am sure about everyone here at the centre”*.<sup>840</sup>

## 12.4. CONCLUDING REMARKS

This chapter highlighted the case study’s findings regarding the implementation of the vulnerability assessments for basic assistance at IOM’s MRRC in Khartoum. The chapter started by outlining key aspects of the implementation of the vulnerability assessments before focusing on the case workers’ perceptions of the role of the administrative dilemmas and contextual constraints in this respect. Several limitations should be kept in mind, such as the variety in content and depth of the respondents’ replies, the practical constraints upon the data collection and the fact that the data presented merely relates to a single policy in a very specific context. Nevertheless, the findings exhibit several tendencies that are relevant for answering this study’s main research question.<sup>841</sup>

First, the findings suggest that the case workers’ perspectives on the procedural dilemmas diverge. Yet, they tend to slightly prefer flexibility, comprehensiveness and risking over-inclusiveness. The findings are inconclusive about any actual stigmatisation or stereotyping by case workers in the interaction with beneficiaries. However, the findings indicate measures that can help to mitigate stigmatisation and stereotyping, namely a readiness to listen to potential beneficiaries and the creation of a welcoming atmosphere. Second, case workers emphasise structural change, focus on support

<sup>838</sup> Transcript, IOM Respondent 3.

<sup>839</sup> Field Note, 13–08–18.

<sup>840</sup> Transcript, IOM Respondent 2.

<sup>841</sup> On limitations compare also Section 4.5. On the number of respondents see, specifically, ‘A Note on the Number of Respondents’ in Section 4.3.5.

rather than control and show some awareness about the relationship between material needs and protection risks. All of the MRRC's case workers voice similar concerns about a beneficiary's potential dependency upon (cash) assistance and emphasise the importance of (community-focused) activation. Third, respondents mention a diverse range of contextual constraints as relevant to their work. The most prominent aspects are: financial and resource constraints, the international community and the operational environment in Sudan. Additionally, their replies provide some insights on the role of IOM Khartoum's organisational structure and culture.

The subsequent chapter evaluates the findings from the previous two chapters (Chapters 11 and 12) in light of the study's main research interest on the transformative potential of a vulnerability focus in basic assistance policies. To what extent can the findings in the previous chapters contribute to, or provide inspiration for, the mitigation of stigmatisation and stereotyping and the facilitation of socio-economic participation?

## CHAPTER 13

# THE TRANSFORMATIVE POTENTIAL OF A VULNERABILITY FOCUS IN CASE STUDY 2

The previous chapters (Chapters 10–12) presented the case study’s findings regarding the design and implementation of the vulnerability assessments for basic assistance at IOM’s MRRC in Khartoum. This chapter evaluates these findings in light of the two dimensions of the vulnerability notion’s transformative potential outlined in Chapter 2. The discussion focuses on the findings in light of the framework outlined in Chapters 2 and 3 without making extensive use of other possibly relevant literature.<sup>842</sup> This choice was made in order to stay focused on this study’s main research interest in the *normative evaluation* of the policy practice and in understanding the *practical feasibility* of what is viewed as normatively desirable.<sup>843</sup>

First, the chapter focuses on the potential of the vulnerability-focused basic assistance policy at IOM’s MRRC in Khartoum to mitigate stigmatisation and stereotyping (13.1). Subsequently, the chapter reflects upon the potential of this vulnerability focus for facilitating socio-economic participation (13.2). The chapter then reflects upon these arguments in light of the contextual constraints that appear relevant to what is deemed feasible in the design and implementation of this vulnerability-focused basic assistance policy (13.3). The chapter ends with a short summary in the form of concluding remarks (13.4). The chapter does not discuss all findings presented in the previous chapter but limits itself to those that appear most relevant for answering the present study’s main research question on the transformative potential of the vulnerability focus in this case study’s basic assistance policy. Interview quotes from the previous two chapters are sometimes used for illustrative purposes.

While the limitations of this study are dealt with extensively in Chapter 4, a few general limitations should be remembered before reviewing this case study’s findings.<sup>844</sup> First, the number of respondents was limited to the persons involved in the specific assessments under investigation. This means that the respondents’ individual opinions weigh heavily in the analysis. Yet, the findings are insightful since I interviewed the persons that were most directly involved in the design and implementation of the vulnerability assessment and the number of respondents is therefore thought to have

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<sup>842</sup> However, some references to literature on similar findings to what emerged in this case study are included in the footnotes.

<sup>843</sup> Compare Sections 1.5 and 1.6.

<sup>844</sup> See Section 4.5.

been sufficient to achieve saturation.<sup>845</sup> Nevertheless, the relatively short period of participant observation could (but does not have to) mean that my overall impression of IOM's work at the MRRC might be slightly more positive than what might have been the case if I had observed the centre's operation over the course of several months. Second, the respondents differ in terms of gender, nationality, personal values, number of years in the organisation or in the humanitarian sector as well as their specific tasks regarding the basic assistance policy. These elements might explain possible differences in the respondents' replies. It is my impression that, in the present case, the number of years spent in the organisation and the respondents' specific tasks are likely the most relevant factors in this respect.<sup>846</sup> Third, due to the exploratory nature of the study, not all issues were covered in equal depth. The study's objective was to develop propositions on the basis of sequential case studies and not by direct comparison between the two cases.<sup>847</sup> The findings therefore remain indications from a single case and the study merely highlights some similarities and differences between both case studies (without attempting to formally compare them) in the final discussion (Chapter 14).

### 13.1. MITIGATING STIGMATISATION AND STEREOTYPING

This section elaborates upon the aspects that suggest that this case study more prominently reflect the professional (rather than the bureaucratic) model of administrative justice and therefore exhibits some transformative potential with regard to the mitigation of stigmatisation and stereotyping. To recapitulate, in this study, the professional model is understood as linked to client-oriented values and therefore characterised by aspects such as 1) professional knowledge-based decision-making in which flexibility is considered important since the acceptability of the decision is evaluated in terms of client satisfaction (flexibility), 2) public service- and client satisfaction-driven interaction with beneficiaries (comprehensiveness) and 3) a focus on the well-being of individual beneficiaries that is, for instance, reflected in being more concerned about under-inclusive vulnerability criteria and being less concerned about the risk of fraud among beneficiaries (thereby risking over-inclusiveness).<sup>848</sup>

To underline my argument that this case study reflects the professional, rather than the bureaucratic model of administrative justice, the following sections (13.1.1–13.1.3) outline the prominence of a preference for flexibility, comprehensiveness and risking over-inclusiveness in the findings of the previous chapters of this case study. Subsequently, Section 13.1.4 focuses on stigmatisation and stereotyping in the case

<sup>845</sup> On the number of respondents see, specifically, 'A Note on the Number of Respondents' in Section 4.3.5.

<sup>846</sup> However, this was not the focus of the present study and more research would be required to substantiate this conclusion.

<sup>847</sup> On limitations with regard to comparing the two case studies see Section 4.5.5.

<sup>848</sup> Compare also Chapter 3.

workers' basic assistance provision at the MRRC in Khartoum. Lastly, this section ends with a final note and policy recommendations on the transformative potential of this case study's vulnerability focus for the mitigation of stigmatisation and stereotyping (13.1.5).

### 13.1.1. RIGIDITY OR FLEXIBILITY?

While the findings exhibit some preference for rigidity, the preference for flexibility appears to be more prominent both in the design and in the implementation of the vulnerability-focused basic assistance policy at IOM's MRRC in Khartoum. This section explains on what basis I arrived at this conclusion.

Although one respondent involved in the design of the vulnerability assessments for basic assistance at the MRRC appears to prefer rigidity, the three other respondents emphasise that it is important to leave room for exceptions and human judgment. One respondent, for instance, remarks:

"I do think these guidelines [on who is vulnerable] are important but at the same time we have to leave room for the case worker to also include his or her judgement. I do think so. I think it should be a combination of both".<sup>849</sup>

Those respondents who underline the importance of flexibility substantiate their preference by referring, for instance, to the professional knowledge of the case worker, to the fact that vulnerability differs from case to case and to the desire to prioritise the beneficiary's well-being instead of rigidly applying criteria. Additionally, three respondents suggest that the dilemma can be mitigated through adequate staff recruitment and training as well as through team meetings and case reviews.

Moreover, a preference for flexibility is also reflected in the design of the MRRC's vulnerability-focused basic assistance policy itself. As such, the Standard Operating Procedures are introduced as "simple operational guidelines" and as a "living document".<sup>850</sup> They merely entail general, but clear, guidelines without attempting to spell out every step of the process in depth. Additionally, the vulnerability criteria themselves do not entail any clear definition but it is up to the case worker to interpret them. Furthermore, the guidelines for the vulnerability assessments pay little attention to monitoring, evaluation or review. Nevertheless, some rigidity remains depending on the assistance that is provided. As such, the provision of financial assistance and AVRR are less flexible than other types of assistance (e.g. psychosocial support or safe houses).

Respondents involved in the implementation of the vulnerability-focused basic assistance policy at IOM's MRRC in Khartoum diverge in their preferences: two case workers voice a preference for rigidity while the other two case workers favour a more

<sup>849</sup> Transcript, IOM Respondent 8.

<sup>850</sup> IOM (April 2018) 1.

flexible approach. Those respondents who favour rigidity explain their preference by arguing that different people work with the assessment which means that strict guidelines are needed to ensure some coherence. Those respondents who argue in favour of flexibility substantiate their preference by highlighting the complexity of vulnerability and the risk to exclude potentially vulnerable beneficiaries if the assessment is too rigid.

Despite these apparently diverging opinions, all case workers appear to adopt a flexible approach when observed during, and asked about, the implementation of the vulnerability assessments. As such, case workers assert that both assessments (the vulnerability screening and the vulnerability prioritisation tool) are flexible and that the assessments are primarily used as guidelines that allow for deviations rather than as rigorous selection mechanisms. One respondent, for instance, holds:

“For AVR[R] our criteria are first that every migrant who hasn’t spent at least 8 months in Sudan is not eligible but at the end of the criteria the assessment also tells you that this is something that is also case by case. It is clearly open here and flexible”.<sup>851</sup>

Hence, even the provision of AVRR (the most resource intensive and restrictive type of assistance that is provided at the MRRC) is somewhat flexible in practice.

In light of these findings and on the basis of my general impressions from participant observation the preference for flexibility thus appears to be more prominent than a desire for rigidity in the vulnerability assessments used at IOM’s MRRC in Khartoum at the time of research. As outlined in Chapters 2 and 3, this indicates a closer alignment with the professional, rather than the bureaucratic, model of administrative justice. This is promising for the mitigation of stigmatisation and stereotyping because it provides more room to take into account the unique circumstances of the individual beneficiary and the interpersonal dynamics at play in the interaction between case workers and potential beneficiaries.

### 13.1.2. FEASIBILITY OR COMPREHENSIVENESS?

Although the findings exhibit some preference for feasibility, comprehensiveness appears to be more prominent both in the design and in the implementation of the vulnerability-focused basic assistance policy at IOM’s MRRC in Khartoum. This section seeks to substantiate how I arrived at this conclusion.

Three respondents involved in the design of the vulnerability-focused basic assistance policy at the MRRC in Khartoum exhibit a preference for comprehensiveness (whilst largely underlining that feasibility remains important). The fourth respondent’s perspective appears unclear. The three respondents who favour comprehensiveness explain their preference by the difficulties to really understand a person’s individual needs, the possibility to identify larger (structural issues) or gaps if the context is

<sup>851</sup> Transcript, IOM Respondent 2.



well-understood, the need to prioritise, the desire to arrive at a more comprehensive understanding of the complexity and contextuality of vulnerability and by a need to make the vulnerability assessment relevant to the assistance that is being provided.

This preference for comprehensiveness is also reflected in the design of the vulnerability assessments. Respondents involved in the design of the assessments mention in several instances that the move from group-based vulnerability criteria to a more nuanced, comprehensive understanding of vulnerability is important and still in progress. Respondents are aware of this discussion and express the aspiration to arrive at a more comprehensive understanding of vulnerability. Moreover, the vulnerability prioritisation tool aims for some comprehensiveness in the vulnerability criteria. Further developments towards comprehensiveness at the MRRC involved cutting down on unnecessary aspects of the assessments, making the assessments relevant to the assistance that is being provided and engaging with the regional office and headquarters on the development of a more comprehensive vulnerability assessment tool. Another indication for comprehensiveness can be found in the Standard Operating Procedures' instruction to case workers to actively "pay[] attention also to needs that may not be brought up spontaneously by the clients".<sup>852</sup>

As regards the implementation of the vulnerability assessments, not all case workers give equally clear answers on their preference for feasibility or comprehensiveness. However, two respondents appear to prefer comprehensiveness while one respondent underlines the importance of feasibility. The respondents who favour comprehensiveness substantiate their preference by explaining that potential beneficiaries sometimes only open up gradually, that it is important to let potential beneficiaries tell their story to understand their issue and that standardised questions can make some potential beneficiaries feel uncomfortable which is why an informal and thorough approach is needed. Yet, respondents also mention that potential beneficiaries should not be asked too many questions or be forced to go into too many details because it can sometimes be difficult for them to tell their story over and over again.

In practice, the findings indicate that it remains challenging to capture vulnerability in a comprehensive manner. The combinations and interpretations of the vulnerability criteria and other potentially relevant factors remain almost infinite. One respondent, for instance, elaborates:

"As I told you, not every single parent is eligible. That is why we interview people and we ask many, many questions. Because maybe you are single with your daughter or your son but you are not vulnerable, you can take care of yourself or you have someone else to take care of you. We have to measure the support. It doesn't mean if someone gets support from the community it is sufficient. So we also have to ask how much. Maybe she gets ten pound, ten pound is not enough in Sudan. So it is very flexible. Human needs are unlimited, so basic support is not sufficient".<sup>853</sup>

<sup>852</sup> IOM (April 2018) 3.

<sup>853</sup> Transcript, IOM Respondent 2.

Overall, this general preference for comprehensiveness in the present case study can be interpreted as an indication of public service and client satisfaction concerns and as reflecting an aspiration to achieve the best possible outcome for each individual beneficiary. This more closely reflects the professional, rather than the bureaucratic, model of administrative justice. This attention to the importance of comprehensiveness is promising for the mitigation of stigmatisation and stereotyping because it facilitates due regard to the potential beneficiaries' diverging and complex personal histories, environments, capacities and perceptions when assessing their vulnerability.

### 13.1.3. RISKING UNDER- OR OVER-INCLUSIVENESS?

The findings suggest that respondents tend to prefer risking over-inclusive, rather than under-inclusive, vulnerability assessments. This section outlines why I arrived at this conclusion.

Three of the four respondents involved in the design of the vulnerability-focused basic assistance policy assert that excluding too many people is generally worse (hence, preferring to risk over-inclusiveness) and use this argument to emphasise the need for flexibility in the assessments. The fourth respondent does not exhibit a clear preference but asserts that the balancing between over- and under-inclusiveness depends on the competence of staff and on donor preferences. Additionally, three respondents underline that the choice between risking under- or over-inclusiveness also depends on resource availability. One respondent, for instance, asserts:

"For me it is better to assist people rather than exclude them. For example, a Sudanese came here claiming to be a Nigerian, for me it is better to assist the Sudanese than to leave the Nigerian unassisted. Let the benefit of the doubt be for the vulnerable people. [If] I have doubt about your age, the benefit of doubt should be that you are still treated as a child. If there is doubt about your nationality and you can't prove or disprove, let me consider you in your benefit. Instead of letting the vulnerable migrants suffer in Khartoum, assist. Do not let them be vulnerable. But the funding is another factor: for example, if I have a quota of people to be assisted with AVRR during the year, I may not apply this: I have to be careful to select the people because the quota is small. [...] But if you have enough resources you can apply the principle of the benefit of the doubt. If you have less resources, you have to be careful to do it and make sure to only select the eligible people".<sup>854</sup>

The design of the assessments similarly reflects a preference for risking over-inclusiveness. This becomes, for instance, apparent in the importance that is attached to allowing for exceptions and in the MRRC's outreach activities that seek to ensure the most vulnerable beneficiaries are also reached and able to access the MRRC.

<sup>854</sup> Transcript, IOM Respondent 6.

Nevertheless, the respondents involved in the design of the assessments also appear somewhat concerned about the risk of potential fraud among beneficiaries. Yet, the respondents suggest that this risk can be counteracted (and that the risks of under- and over-inclusiveness can be balanced) through building trust, creating a welcoming atmosphere, assuring the beneficiaries that they will be assisted (at least through referral), seeking to avoid raising false expectations, being transparent and engaging with communities to help migrants understand how the MRRC works.

Respondents involved in the implementation of the vulnerability assessments appear to similarly lean towards preferring to risk over-inclusiveness: three case workers favour risking over-inclusiveness while one respondent voices a preference for under-inclusiveness. Yet, even this respondent underlines the importance of checking doubtful cases with colleagues before excluding a potential beneficiary. None of the case workers appears particularly concerned about any potential risk of fraud among beneficiaries. Two of the respondents who prefer risking over-inclusiveness link this preference to a preference for flexibility. One respondent, for instance, asserts:

“I think the second one [over-inclusiveness] is better. [...] in the end, the organisation is working for the beneficiaries so you have to find a way how to assist not a way how to block it. So I feel like keeping it open in the categories and then leaving it a little bit flexible I think that's better”.<sup>855</sup>

In practice, the findings indicate that potential beneficiaries are rarely excluded immediately but that case workers tend to frame the assessments and related assistance provision as a joint exploration between case worker and potential beneficiary so as to determine what is most needed and who can provide it. Two case workers also assert that, when in doubt about a case, they discuss the case with colleagues before taking a decision or excluding a person. None of the case workers appears particularly concerned about any potential risk of fraud among beneficiaries.

Overall, the MRRC's approach thus exhibits a preference for risking over- rather than under-inclusiveness. This preference, and the conviction that the risk of fraud among beneficiaries can best be mitigated by transparency and trust-building measures, highlight the client-centeredness in the present case.<sup>856</sup> Hence, in terms of this procedural dilemma, the present case appears more closely aligned with the professional, rather than the bureaucratic, model of administrative justice. As mentioned in Chapter 3, this is promising for the mitigation of stigmatisation and stereotyping because it indicates client-centeredness and makes it more likely that due attention is paid to the specifics of the individual case and the root causes of a beneficiary's vulnerability.

<sup>855</sup> Transcript, IOM Respondent 1.

<sup>856</sup> The data in the present case is too limited to clarify the extent of any actual risk of fraud at IOM Khartoum.

#### 13.1.4. INTERPERSONAL DYNAMICS IN THE CASE WORKER-BENEFICIARY INTERACTION

The above sections indicate an emphasis on flexibility, comprehensiveness and a preference for risking over-inclusiveness with regard to the vulnerability-focused basic assistance policy at IOM's MRRC in Khartoum. This suggests that the professional model of administrative justice is more prominent in the present case. However, this prominence of the professional model is not absolute and the previous sections sought to indicate supporting as well as diverging tendencies in this respect. With this conclusion in mind, this section discusses what the professional model as adopted at IOM's MRRC in Khartoum means for stigmatisation and stereotyping.

For this purpose, the section focuses on the interpersonal dynamics between case workers and potential beneficiaries that emerge in the present case. The section distinguishes between perception dynamics (mutual perceptions about identity or other personal characteristics) and performance dynamics (the framework characteristics of the interaction that shape how beneficiaries perform their vulnerability).

##### *13.1.4.1. Perception*

Case workers at IOM's MRRC in Khartoum mention several perception dynamics that can influence their interaction with potential beneficiaries. Three case workers mention that gender can play a role in their interaction with potential beneficiaries since female beneficiaries might sometimes prefer to speak to female case workers. None of the respondents suggests that a similar dynamic can be observed for men. In addition to gender, two respondents find that race, nationality and/or culture can play a role in the interaction. One of these case workers indicates that the dynamics between case worker and potential beneficiary can also differ depending on the culture/nationality of the potential beneficiary. The other case worker mentions that race can sometimes play a role for potential beneficiaries but simultaneously underlines that IOM operates on a non-discriminatory basis and that this is also communicated to potential beneficiaries.

These findings do not provide a comprehensive picture of all the possible interpersonal dynamics involved in the interaction between case workers and potential beneficiaries. After all, case workers primarily mention the perceptions they notice among potential beneficiaries but do not really reflect upon their own perceptions in this interaction. Although the case workers' replies indicate that these perceptions among case workers also exist (e.g. when highlighting similarities among beneficiaries of the same nationality), the findings are too limited to reveal much about any concrete stigmatisation or stereotyping by the case workers in this case study. However, the aspects discussed in the next section suggest that the MRRC relies on a variety of measures that can help to mitigate the risk of any such stigmatisation or stereotyping.

#### 13.1.4.2. *Performance*

The interaction between case workers and potential beneficiaries is shaped by the circumstances in which this interaction takes place. The present study focuses on the circumstances that most directly shape the communication between case workers and potential beneficiaries – i.e. the communicative aspects that emerge as influential for the depth and structure of the interaction. In the present case, the aspects that appear most prominent are the case workers' emphasis on a 'readiness to listen', language barriers and a welcoming atmosphere.

First, the MRRC's Standard Operating Procedures already encourage case workers to "exercis[e] readiness to listen and pay[] attention also to needs that may not be brought up spontaneously by the clients".<sup>857</sup> One respondent involved in the design of the vulnerability assessments is particularly explicit on the way in which an assessment should be conducted:

"I think in the interaction there is a certain standard that should be applied like do no harm, the interviewer should be respectful, also bear in mind that the person might have passed through traumatic events so I think it is important for the case worker to also be sympathetic and do no more harm than has already been done. So I do think there should be a certain code of conduct for these interviews and then it is also, I think, really important to be transparent and to provide all the necessary information to the migrant in that case so that he or she understands how the process works so that they [potential beneficiaries] don't have false expectations".<sup>858</sup>

Three of the MRRC's case workers also underscore the importance of letting potential beneficiaries come back another time if the person finds the conversation to be difficult in any way. Moreover, they emphasise professionalism, transparency and informality as principles that should guide the interaction. Another, crucial aspect of this 'readiness to listen' is that potential beneficiaries are left free to tell their own story. Rather than asking standardised sets of questions, my participant observation and the respondents' interview replies indicate that case workers value the vulnerability screening because it allows following the story of the migrant without immediately superimposing any classification intentions. This includes conducting the assessment with empathy, respect, patience and understanding. One respondent, for instance, remarks:

"And even if you feel like that person is a little bit stressed, without screening we can take him to the PSS [psychosocial support]. Even you can postpone, he can come anytime, any other day. So again, it is a matter of being soft. But being soft doesn't mean we are accepting all of them because we are giving them comfort".<sup>859</sup>

<sup>857</sup> IOM (April 2018) 3.

<sup>858</sup> Transcript, IOM Respondent 8.

<sup>859</sup> Transcript, IOM Respondent 1.

Second, two case workers mention that language barriers and whether or not an interpreter is used can influence the interaction with potential beneficiaries. One of these respondents elaborates that there might be misunderstandings about the specific terminology or that an interpreter might not always be aware of the relevance of some words that are used by the potential beneficiary.

Third, all respondents emphasise the importance of a welcoming atmosphere at the MRRC in order to facilitate the assessment of a potential beneficiary's vulnerability and the related provision of assistance. One respondent involved in the design of the vulnerability-focused basic assistance policy, for instance, remarks:

"I am always quite impressed that whenever we do the tour of the MRRC, whichever colleague you talk to, whether it is at the reception or the case workers, doctors: they are really conscious and aware of providing a welcoming atmosphere as well and to not put the person under more distress and I think, for me that is in the end also linked with the recruitment of the right people because we have to manage to also find who can do these interviews. Because you need to be, I think, patient and willing to listen, to give the person also time to respond. And it is fine that not everyone can do this but I do think that the MRRC colleagues are very conscious about establishing such a welcoming and trustworthy environment".<sup>860</sup>

Other respondents involved in the design of the vulnerability assessments underline the importance of a welcoming atmosphere to make potential beneficiaries feel relaxed, to establish a community centre and to "*help them to clear their mind and think through their problems*".<sup>861</sup>

Respondents involved in the implementation of the vulnerability assessments emphasise the importance of this welcoming atmosphere for beneficiaries to not get angry or upset, to feel comfortable and not distressed, to build trust, to allow them to relax and discuss their issues or share their experiences with each other. One respondent, for instance, underlines: "*We have to be flexible, humble, approach them, lift them*".<sup>862</sup> Another respondent emphasises that the welcoming atmosphere can help potential beneficiaries to not only share their issues but also their successes, to make them feel at home and to allow them to forget their sorrows for a while.

The importance attached to a 'readiness to listen' as well as to a welcoming atmosphere in the present case is promising for the mitigation of stigmatisation and stereotyping. This is not only beneficial for the migrants' mental health but also for building trust and mutual understanding between case workers and beneficiaries. Demonstrating empathy and responding in a way that indicates an acknowledgement and understanding of the potential beneficiary's situation and problems is not only likely to improve a beneficiary's satisfaction with the procedure but also contributes

<sup>860</sup> Transcript, IOM Respondent 8.

<sup>861</sup> Transcript, IOM Respondent 6.

<sup>862</sup> Transcript, IOM Respondent 2.

to a constructive working relationship between case worker and potential beneficiary.<sup>863</sup> Adopting an open and empathetic approach encourages potential beneficiaries to explore their own situation and problems: case workers who let themselves be guided by potential beneficiaries instead of following organisational priorities increase the likelihood that potential beneficiaries “lay out their problems”, take the case worker where they need to be and reveal the information that is relevant for conducting an accurate assessment.<sup>864</sup> Additionally, the provision of a space where potential beneficiaries can come to relax and “*feel at home*” can already be a form of assistance that can improve the migrants’ mental health.<sup>865</sup> These aspects of the present case’s assistance provision are first steps towards recognition and likely contribute to the potential beneficiaries’ perception of self.<sup>866</sup> This is promising from an administrative justice perspective because it supports the client satisfaction rationale that would be required for the acceptability of an assessment in the professional model of administrative justice.

#### 13.1.5. FINAL NOTE AND POLICY RECOMMENDATION

The findings regarding the transformative potential of this case study’s vulnerability focus for mitigating stigmatisation and stereotyping are mere indications. They focus on the specific vulnerability-focused basic assistance provision at the specific location of IOM’s MRRC in Khartoum at a specific point in time.<sup>867</sup> Hence, further research in different contexts would be required to verify the broader relevance of the above arguments.

Nevertheless, one particularly noteworthy indication for reflections on the transformative potential of vulnerability emerges from this case study: the MRRC’s focus on client satisfaction is linked to procedural aspects (along the lines of the professional model of administrative justice) that can mitigate stigmatisation and stereotyping. Although further research would be required to assess actual client satisfaction, IOM’s *desire* to achieve client satisfaction is reflected in key characteristics of the MRRC’s approach such as a preference for flexibility, a focus on comprehensiveness, an inclination towards risking over-inclusiveness, a readiness to listen and a welcoming atmosphere. As indicated above (13.1.1 – 13.1.4), these characteristics are likely to mitigate some of the potentially stigmatising and stereotyping perception and performance dynamics at play in the interaction between case workers and potential beneficiaries.

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<sup>863</sup> Compare, e.g., Dean Hepworth, Ronald Rooney, Glenda Rooney, Kimberly Strom-Gottfried, *Direct Social Work Practice: Theory and Skills – Tenth Edition* (Cengage Learning 2017) 139.

<sup>864</sup> Hepworth *et al.* (2017) 113.

<sup>865</sup> Transcript, IOM Respondent 4.

<sup>866</sup> Compare Section 2.2.1.

<sup>867</sup> On these and other limitations see also Sections 4.1.2, 4.3.5 (‘A Note on the Number of Respondents’) and 4.5.

In particular, the community centre approach and focus on providing a welcoming atmosphere decrease the likelihood that potential beneficiaries are viewed, and might therefore also be less likely to view themselves, as mere aid recipients or powerless victims. As already mentioned (see 13.1.4), this is conducive to the beneficiaries' perception of self and can therefore also benefit activation.<sup>868</sup> Additionally, beneficiaries are more likely to open up and share their problems if they trust the assistance provider, thereby increasing the likelihood that adequate assistance will be provided. The MRRC's trust-building measures might therefore not only improve client satisfaction with the vulnerability assessment procedure but also with the outcome of the assistance provision.

However, the downside of being guided by the potential beneficiaries' story might be that it becomes more challenging to categorise potential beneficiaries in accordance with the respective vulnerability assessments. The larger the case load, the more time will be needed and the less feasible such an approach might become.<sup>869</sup> Hence, to safeguard the transformative potential of IOM's vulnerability-focused basic assistance policy in Khartoum, it would be sensible to make the following adjustments:

- 1) Make the client-centred approach more explicit in the Standard Operating Procedures and explain why this approach is so important. This should include raising awareness among case workers about the risks of stigmatisation and stereotyping in the interaction with potential beneficiaries.
- 2) Continue the process of aligning the vulnerability assessments with a tailor-made and nuanced approach as intended by IOM headquarters (but involve case workers in the process and ask them what is feasible).<sup>870</sup> This should include safeguards to ensure that this process does not compromise the flexible nature and beneficiary-centeredness of the assessments.

Other, smaller adjustments could include 1) to further improve internal communication on cases (e.g. by formalising and making more prominent use of the case management committee) and 2) to clarify the relationship between the different vulnerability assessments and why they rely on different criteria. Although these measures do not directly address stigmatisation and stereotyping, they do so indirectly by helping to consolidate a client-centred approach. Overall, the focus on the beneficiaries' satisfaction with the assistance provision (procedure *and* outcome) is likely to mitigate some of the perception and performance dynamics at play in the interaction between case workers and potential beneficiaries. Hence, even if there is still some room for improvement in the present case, the MRRC's choices in terms of procedural dilemmas provide inspiration for how stigmatisation and stereotyping can be mitigated in the

<sup>868</sup> Compare Sections 2.2.1 and 2.3.1.

<sup>869</sup> Hjärne, Juhila and van Nijnatten (2010) 305.

<sup>870</sup> See Section 10.3.



vulnerability-focused basic assistance to non-citizens. This approach, which showcases characteristics of the professional model of administrative justice, therefore appears promising for the transformative potential of vulnerability for substantive equality.

## 13.2. FACILITATING SOCIO-ECONOMIC PARTICIPATION

This section concentrates on the transformative potential of the present case study's vulnerability focus for facilitating socio-economic participation. The section highlights how the present case more prominently reflects an empowerment (rather than a responsabilisation) rationale and therefore exhibits promising starting points for facilitating socio-economic participation. To recapitulate, this study understands empowerment-focused activation as linked to 1) a preference for structural change, 2) a preference for support and 3) a focus on protection risks (or on the interdependencies between material needs and protection risks).<sup>871</sup>

To substantiate the conclusion that the vulnerability-focused basic assistance provision at IOM's MRRC in Khartoum exhibits some transformative potential for facilitating socio-economic participation, I therefore highlight how the findings appear to reflect these three aspects (13.2.1 – 13.2.3) before Section 13.2.4 focuses on the activation ideal and empowerment-oriented practice that emerges in the present case. Lastly, this section ends with a final note and policy recommendations on the transformative potential of this case study's vulnerability focus for the facilitation of socio-economic participation (13.2.5).

### 13.2.1. SHORT-TERM RELIEF AND/OR STRUCTURAL CHANGE?

The findings indicate that, while part of the assistance provision at the MRRC in Khartoum is geared towards short-term relief, the overarching goal is of a more structural nature. This section outlines on what basis I drew this conclusion.

All respondents involved in the design of the vulnerability-focused basic assistance policy at IOM's MRRC in Khartoum assert to be aiming for structural change. Moreover, they usually link their desire to decrease the beneficiaries' dependency to this aim for structural change. The respondents suggest several measures for achieving not only short-term relief but also structural change. The most notable measures are: 1) involving the government, 2) strengthening legal institutions, 3) establishing strong referral mechanisms with local organisations and 4) having an exit strategy. Moreover, the respondents' general responses underline that the MRRC's community-focused approach is perceived as conducive to structural change. One respondent, for instance, summarises this approach as follows:

“So we are helping, organising and structuring scattered people to see we are one. We are nationals of this country. We can support each other. For those who are vulnerable,

<sup>871</sup> Compare Chapter 3.

if tomorrow the MRRC is closed, the assistance by the communities will not stop, they will continue, they will continue seeking for resources in order to respond to provide the maximum of assistance. This also sends a message to the government”.<sup>872</sup>

This preference is also reflected in the design of the MRRC’s vulnerability-focused basic assistance policy: it envisages, for instance, the referral to local organisations, the active outreach to, and involvement of, migrant communities, the provision of integrated assistance (e.g. a combination of AVR, psychosocial and financial support) and the eventual transfer of the MRRC to government entities.

Respondents involved in the implementation of the vulnerability assessments at IOM’s MRRC in Khartoum similarly link the desire to decrease the beneficiaries’ dependency to a need for structural change. All case workers show some awareness about structural issues and indicate that, although some activities at the MRRC focus on short-term relief, the overarching goal is structural change. Two respondents indicate that the position of the government and local migration laws are of crucial importance to consider in order for the vulnerability-focused basic assistance policy to achieve some structural change. In addition, one respondent asserts that structural change has to take place in the migrants’ countries of origin. Another respondent emphasises the importance of having an exit strategy and all respondents consider, in particular, the MRRC’s community focus and the provision of indirect assistance through communities as crucial measures for achieving structural change.

In the MRRC’s daily work, the preference for structural change becomes most apparent in the attempts to empower and actively engage migrant communities. However, respondents mention some practical challenges in this respect. They point out that not all communities are equally large or easy to engage with and the existing power structures within the communities can limit the potential for structural change. IOM’s advocacy efforts through the MRRC appear limited but might take place at different levels within the organisation.

Overall, the case study exhibits an emphasis on empowerment rather than responsibilisation when it comes to the respondents’ perception of how vulnerability can or should be addressed. Respondents are well-aware of the structural issues that need to be addressed to mitigate the beneficiaries’ vulnerability. The MRRC’s vulnerability-focused provision of assistance aims to strike a balance between basic assistance options and structural change aspirations. In this respect, IOM seems to have chosen the community level as particularly promising intervention level that forms the middle ground between advocacy for structural change and the mere provision of short-term relief. This appears promising for the facilitation of socio-economic participation and therefore exhibits some starting points for contributing to the transformative potential of vulnerability for substantive equality.

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<sup>872</sup> Transcript, IOM Respondent 6.

### 13.2.2. CONTROL AND/OR SUPPORT?

Although some control measures exist at the MRRC, the emphasis on support measures appears to be more prominent in the present case study. This section substantiates this conclusion.

Respondents involved in the design of the vulnerability assessments at IOM's MRRC in Khartoum do not express any explicit desire to control (the behaviour of) potential beneficiaries. When explicitly asked about what proof is usually required from potential beneficiaries, two respondents underline that this depends on the type of assistance that is being requested. However, the proof required tends to be focused on official documents (e.g. the birth certificate of a child if beneficiaries want to return to their country of nationality with a child) and not on the potential beneficiary's vulnerability. Two respondents also remark that communities should develop their own monitoring and follow-up mechanisms. Additionally, two respondents emphasise the voluntariness of the MRRC's assistance provision.

The findings reveal that the desire to activate potential beneficiaries through support measures is not only reflected in the preferences and perceptions of respondents involved in the vulnerability assessment design but is also actually integrated in the MRRC's vulnerability assessments. As such, the assistance provision at the MRRC in Khartoum is voluntary and control-oriented monitoring or verification mechanisms appear minimal. The only explicit control measure in the MRRC's Standard Operating Procedures and the vulnerability assessments' design is the requirement that financial assistance should only be provided for two weeks at a time to closely monitor the situation. Instead of control measures, the MRRC's Standard Operating Procedures underline the importance of creating trust among beneficiaries – for instance in the explicit instruction to “exercis[e] readiness to listen and pay[] attention also to needs that may not be brought up spontaneously by the clients”.<sup>873</sup> Additionally, the MRRC's community focus further underlines the preference for support rather than control: the MRRC attempts to not be the primary assistance provider but to channel resources through migrant communities for as much as possible. This is done, for instance, by supporting safe houses, training centres, community committees and schools. In addition, the MRRC seeks to fill gaps or be a referral mechanism for assistance questions that communities or local organisations cannot help with (such as medical and/or psychosocial support and AVRR).<sup>874</sup>

All case workers assert to be conducting some monitoring or verification and two of these respondents indicate that more could be done in this respect. However, like the respondents involved in the design of the assessment, case workers also underline that the type of control mechanism depends on the assistance that is being provided. If suggesting that more control mechanisms would be useful, respondents substantiate their arguments by stating that this would be good for the beneficiary and do not

<sup>873</sup> IOM (April 2018).

<sup>874</sup> Compare Chapter 10.

exhibit any mistrust towards beneficiaries. Furthermore, one case workers underlines the importance of the voluntariness of the assistance being provided. Additionally, all case workers underline that successful activation requires support measures like capacity-building, income-generating activities and, above all, a community-focused approach.

This focus on support, rather than control, is also reflected in the case workers' daily work. Case workers, for instance, generally seek to assist everyone at least by referral, even if the potential beneficiaries do not fit the eligibility criteria. Additionally, the support-focus is revealed in 1) the recognition that the beneficiaries need a place to relax (hence the community-centre approach), 2) the case workers' listening to the beneficiaries whole story and attempts to really get to the bottom of a beneficiaries' problems and, of course, 3) the MRRC's community focus. However, case workers lament that the MRRC is no longer providing skills trainings or income-generating activities at the time of research – both of which could have offered additional support to beneficiaries.

Overall, the MRRC's approach appears to be support- rather than control-focused. Respondents repeatedly emphasise the importance of the beneficiary's social environment and suggest enabling, rather than demanding, support measures. Respondents do not appear to attach great importance to control measures and, instead, emphasise the voluntariness of the assistance provision. If arguing for more control measures, the respondents do so from the beneficiaries' perspective (e.g. because communities should have oversight over their own resources or because IOM's monitoring in the country of origin can make returnees feel more comfortable). Hence, the preferences and choices regarding this substantive dilemma appear client-centred and therefore empowerment-, rather than responsabilisation-, oriented. This appears promising for facilitating socio-economic participation and therefore for the vulnerability notion's transformative potential for substantive equality.

### 13.2.3. MATERIAL NEEDS AND/OR PROTECTION RISKS?

The findings indicate that, in the present case, vulnerability is perceived as related to material needs as well as protection risks – both among respondents and in the vulnerability assessments themselves. This section explains on what basis I arrived at this conclusion.

All respondents involved in the design of the vulnerability-focused basic assistance policy at IOM's MRRC in Khartoum perceive vulnerability, material needs and protection risks as interrelated. They specifically mention risk-related aspects like nationality, age, gender, family background, cultural factors and the risks of deportation and detention as relevant for vulnerability. One of these respondents provides a telling example of how material needs and protection risks can be interlinked:

“[Vulnerability is related to] [b]oth of them. Because sometimes if there is a migrant coming to me and says she has difficulty with her husband. I remember one case, she came and said that her husband forced her to have sex with people in order to support her. And if she didn’t do that maybe he would kill her or her baby. So now the situation is difficult. She also needed medical support which we provided. We also provided psychosocial support and I talked to her husband. I went to his house, IOM did not give me money to visit him but I just did it. I told him this is not allowed, if you are Christian or Muslim, it is not allowed. And it is not a habit, I stayed in Ethiopia for two years and people in Ethiopia don’t do this. You should be a man and I talked to him like that. He said ‘ok, but I don’t have a job’. So I supported him to find a job and also gave his wife cash support under the Swiss project and now she works as a tea maker”.<sup>875</sup>

Another respondent similarly underscores that material needs and protection risks can augment each other and thereby aggravate a person’s vulnerability. The vulnerability criteria in the vulnerability screening as well as in the vulnerability prioritisation tool similarly exhibit a mix of need- and risk-related factors. However, neither assessment is particularly clear or explicit in this respect (but respondents repeatedly emphasise that the assessments are currently being revised in accordance with a more comprehensive approach that was developed at IOM headquarters).

As Table 12 below summarises, the understanding of vulnerability among case workers diverges: two case workers link vulnerability primarily to material needs while the other two case workers consider vulnerability to be about both material needs and protection risks.

**Table 12: Perceptions about Material Needs and Protection Risks among Policy Implementers at IOM Khartoum**

	Material Needs	Protection Risks
<b>Case Workers</b>	<ul style="list-style-type: none"> <li>– General lack of something (especially shelter, food or medical support)</li> <li>– Poverty</li> <li>– Being stranded</li> <li>– Relying on some form of assistance / being unable to care for themselves</li> <li>– Lacking support</li> <li>– Being unable to work</li> <li>– Being unable to achieve wellbeing, integrate and/or add to their community and society</li> </ul>	<ul style="list-style-type: none"> <li>– Risk of exploitation (e.g. due to needs)</li> <li>– Lack backing through policies or guidelines</li> <li>– Need for protection</li> <li>– Having been cheated, put at risk, been in a bad situation or exploited</li> </ul>

Overall, material needs and protection risks in the present case are largely perceived as related and as mutually reinforcing (especially among respondents involved in the design of the vulnerability assessments). Additionally, both respondents involved in the design of the vulnerability assessments and respondents involved in the implementation of the vulnerability assessments emphasise the need to contextualise vulnerability and tend to

<sup>875</sup> Transcript, IOM Respondent 7.

understand an individual's vulnerability as a reflection of broader structural issues. The focus on the connection between material needs and protection risks in this case study can be interpreted as linked to the empowerment rationale because it recognises that a person's vulnerability is complex, pays attention to the social dimension of this vulnerability and is more likely to identify the root causes, rather than merely the symptoms, of this vulnerability. These aspects are promising for facilitating socio-economic participation and therefore conducive to the vulnerability notion's alleged transformative potential.<sup>876</sup>

#### 13.2.4. ACTIVATION IDEAL AND EMPOWERMENT PRACTICE

The desire to activate beneficiaries appears to be a prominent objective in the present case. All respondents involved in the design of the assessment refer to concerns about dependency and/or to the desire to activate and empower potential beneficiaries to facilitate their socio-economic participation. One respondent involved in the design of the vulnerability assessments at the MRRC, for instance, remarks:

“Here [at the MRRC] we ask about the problems they face, what the situation is now, what support is needed from us and how we can provide this support and how you can survive without us. Because all the migrants, all the services we provide to them we cannot continue to do that. Just maybe you can provide support two or three times but we cannot continue. So you should also think about how you can survive by yourself”.<sup>877</sup>

This general desire to activate beneficiaries is also integrated into the design of the vulnerability assessments. As such, cash assistance should be “carefully considered”, “provided on an exceptional basis only” and “be avoided to the extent possible based on concerns related to sustainability and risk of dependency”.<sup>878</sup>

All of the MRRC's case workers voice similar concerns about a beneficiary's potential dependency upon assistance and emphasise the importance of activation. One respondent, for instance, summarises the message that should be conveyed to the beneficiaries: “*we are not holding you in your back, we are pushing you, we are supporting you to continue in your life*”.<sup>879</sup>

Respondents appear to primarily relate any risk of dependency to the provision of cash assistance. However, as mentioned previously, the provision of cash assistance at the MRRC at the time of research remained limited. Hence, although the specific perspective on cash assistance at the MRRC appears more responsabilisation-oriented, the respondents' perspective and the MRRC's approach regarding activation in general more prominently exhibit an empowerment rationale. This section summarises this empowerment-oriented policy practice.

<sup>876</sup> Compare Sections 2.2.2 and 3.3.7.

<sup>877</sup> Transcript, IOM Respondent 7.

<sup>878</sup> IOM (April 2018) 4.

<sup>879</sup> Transcript, IOM Respondent 6.

In addition to the abovementioned empowerment tendencies (Sections 13.2.1 – 13.2.3), the MRRC's empowerment rationale becomes apparent throughout the respondents' general interview replies. As such, the respondents involved in the design of the assessments suggest to improve activation by: 1) not only focusing on vulnerability but also on the beneficiary's strengths, 2) providing assistance through communities for as much as possible, 3) improving the employability of beneficiaries through, for instance, adequate skills training and 4) keeping all interactions voluntary and building trust through a welcoming atmosphere that encourages beneficiaries to share their issues. Case workers suggest similar empowerment-oriented measures: 1) focusing on a beneficiary's capacities 2) acknowledging that not everyone can help themselves or find alternative solutions, 3) assisting beneficiaries with (self-)employment through, for instance, business plans and microfinance and 4) the welcoming atmosphere and the community focus of the MRRC in general.

Not all of these empowerment-oriented measures were in place at IOM's MRRC in Khartoum at the time of research. As such, a focus on strengths and capacities does not (yet) seem to have been integrated into the MRRC's assessments. Moreover, while efforts of skills and employability trainings took place at the MRRC in the past, these activities had ceased at the time of research. However, the daily work at the MRRC exhibits one particularly promising and clear aspect of empowerment-orientation: the community focus.

This community focus appears to be the core of the MRRC's activation approach. The respondents involved in the design of the vulnerability assessments mention several arguments for why community-focused assistance is particularly important for activation, most notably because different communities have different vulnerabilities which is why communities know best who is vulnerable within their community, because channelling resources through the community is more sustainable and because only providing assistance to the individual is less effective since the individual, community and structural level are interrelated and influence each other. Simultaneously, these respondents also mention several potential risks of a community focus, namely: power structures within the communities, different characteristics (and strengths) of the different communities, competition between the communities and the fact that some potential beneficiaries require professional support. To mitigate these risks, respondents mention that IOM engages with several layers within the communities (formal committees, community leaders and volunteers), that community committees must be representative and that community-focused assistance must be complemented by individual assistance (at the MRRC).

IOM reports from the first half of 2018 provide an indication of what is provided and achieved through this community engagement. The reports mention, for instance, dialogue sessions, awareness-raising activities, trainings, basic needs assistance, psychosocial support and assistance to migrants in detention.<sup>880</sup> In addition, the findings suggest that IOM maintains strongest ties with the Ethiopian, Nigerian, Eritrean and

<sup>880</sup> See Section 12.1.1.1.



Somali communities and indicate that it is also from these nationalities that most potential beneficiaries approach the MRRC. Moreover, one respondent provides an example of how IOM helped a migrant community to gain access to their community members in detention while another respondent underlines how the communities lower the access barrier for assistance by identifying vulnerable community members.

Additionally, IOM's community-focused assistance is integrated with the idea of the MRRC as a community centre. As already mentioned above (Section 13.1), the community-centre approach and the welcoming atmosphere at the MRRC can improve the beneficiaries' mental health and self-image, thereby making an important contribution to the beneficiaries' empowerment. This likely also benefits from the presence of an in-house psychologist that can provide accessible and immediate psychosocial support.

Overall, dependency concerns and activation ideals play a prominent role in the vulnerability assessments for basic assistance at IOM's MRRC in Khartoum. The way in which this is integrated in the vulnerability assessments' design in the present case reflects both responsabilisation and empowerment tendencies. Nevertheless, the respondents' proposed measures and, in particular, the MRRC's community focus provide promising starting points for empowerment-oriented activation. Although further research would be required to determine the actual effectiveness of IOM's community focus for the empowerment of beneficiaries, the MRRC's approach provides a first indication for how the provision of basic assistance could address vulnerability in a way that contributes to the facilitation of socio-economic participation.

### 13.2.5. FINAL NOTE AND POLICY RECOMMENDATION

As mentioned at the beginning of this chapter, the findings in this case study should be read as mere indications about any transformative potential of the vulnerability focus at IOM's MRRC in Khartoum for facilitating socio-economic participation. They centre on the specific policy of providing vulnerability-focused basic assistance at the specific location of IOM's MRRC in Khartoum at a specific point in time.<sup>881</sup> Hence, further research in different contexts would be desirable to substantiate the above arguments on a larger scale.

Nevertheless, the case study is insightful: the findings indicate a desire to activate beneficiaries, and (despite reflecting a slight responsabilisation rationale when it comes to cash assistance) exhibit promising starting points for an empowerment-orientation. The MRRC's vulnerability-focused basic assistance policy reflects a general concern about the beneficiary's social environment and the role this can play in the mitigation of vulnerability. This becomes particularly apparent in two of the MRRC's objectives: 1) creating a welcoming atmosphere where potential beneficiaries can simply come to

<sup>881</sup> On these and other limitations see also Sections 4.1.2, 4.3.5 ('A Note on the Number of Respondents') and 4.5.



relax and socialise and 2) actively engaging with migrant communities and involving them in the assistance provision.

These measures are promising for the transformative potential of vulnerability because they prominently integrate a social dimension into the provision of basic assistance. As outlined in Chapter 2, this is crucial because it recognises the role of social and societal institutions in providing layered possibilities for support and resilience. This facilitates socio-economic participation because the mitigation of vulnerability, and therefore the pathway to an individual's perception of autonomy and empowerment, can only be achieved if these social conditions are supportive.<sup>882</sup> The MRRC's measures prioritise social above economic participation and thereby touch upon the core of this dimension of substantive equality.<sup>883</sup> Hence, while further research would be desirable, the present case study's policy practice likely contributes to the transformative potential of vulnerability in a way that facilitates socio-economic participation.

Nevertheless, the findings indicate a number of aspects that are acknowledged by some respondents but not (yet) explicitly integrated into the assistance provision. The vulnerability focus in the present case study's basic assistance policy could be particularly promising for facilitating socio-economic participation if the importance of these aspects were to be fully addressed, namely:

- 1) Community-focused empowerment bears risks, which is why it needs to be complemented by individual basic assistance to fill potential gaps and provide a double safety net for beneficiaries. Additionally, it would be sensible to adopt some form of monitoring of the communities' assistance to vulnerable migrants, both for their own safety (e.g. to not be mistaken for smugglers) and for the safety of beneficiaries (e.g. by maintaining oversight over what happens in the safe houses).
- 2) Community power structures have to be taken into account and addressed. Hence, it is important to ensure community committees are representative of the communities as a whole (in terms of age, gender, ethnicity, ability). Moreover, engagement with the communities should be diverse and rely on multiple entry points (e.g. community committees, community leaders, volunteers, official institutions and walk-in).
- 3) Communities cannot solve everything. Hence, it is important to not lose sight of the structural discriminatory practices in the specific country context and the needs for broader policy and/or legal change. In this respect, the information collected at the MRRC could serve as evidence-base to raise such issues through advocacy with the Sudanese authorities.

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<sup>882</sup> Anderson and Honneth (2004) 130. See also Fineman (2008) 13.

<sup>883</sup> Compare Fredman (2016) 731–732.

Acknowledging and addressing these aspects more prominently could bring the vulnerability-focused basic assistance policy at IOM's MRRC in Khartoum even more closely in line with the transformative potential of vulnerability. Additionally, one smaller desirable measures that is even more closely in line with the already existing policy would be to integrate the relationship between material needs and protection risks more prominently into the assessments (e.g. by adopting the more comprehensive vulnerability framework developed at IOM headquarters). In sum, the MRRC's approach points to the importance of an integrated, multi-sectoral assistance provision that seeks to mitigate vulnerability at different intervention levels by supporting the individual, strengthening communities and advocating for structural changes.

### 13.3. THE ROLE OF CONTEXTUAL CONSTRAINTS

This section highlights what respondents appear to perceive as the most relevant contextual constraints for their work with the vulnerability-focused basic assistance policy. This is not a comprehensive analysis of all potentially relevant factors that influence IOM's work at the MRRC in Khartoum. The section distinguishes between the contextual constraints that appear relevant for the administrative justice model that is most prominent at the MRRC and the contextual constraints that respondents perceive as relevant for the activation approach that is adopted at the MRRC. Yet, these aspects tend to be inter-related and the respective influences might cross-cut this distinction.

Although respondents appear to pay limited attention to IOM's mandate and international legal obligations, these aspects might nevertheless play a more subtle, underlying role. As such, IOM's broad and flexible mandate allows room for a flexible organisational structure and culture and fits well with the preference for a professional model of administrative justice that focuses less on rules-based accuracy and more on client-satisfaction.<sup>884</sup>

#### 13.3.1. FOR THE ADMINISTRATIVE JUSTICE MODEL

Several contextual constraints appear to play a role for the administrative justice model that is most prominent in the present case (the professional model). This section focuses on what respondents appear to perceive as the most relevant contextual constraints for their procedural preferences in this respect, namely 1) financial and resource constraints and the international community and 2) previous experiences and IOM Khartoum's organisational structure and culture.

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<sup>884</sup> See Section 14.1.3.

#### *13.3.1.1. Financial and Resource Constraints and the International Community*

The findings suggest that the respondents' vulnerability-assessments-related work at IOM's MRRC in Khartoum is influenced by financial and resource constraints in a variety of ways. Without explicitly being asked about it, all respondents involved in the design of the vulnerability-focused basic assistance policy at IOM's MRRC in Khartoum emphasise financial and resource constraints. They use this argument to justify why the assessments aim to 1) avoid raising false expectations, 2) only prioritise the most vulnerable cases and 3) are limited in their long-term focus and amount of assistance. One respondent is particularly elaborate and refers to financial and resource constraints as explanation for the necessity of streamlined, thorough and selective assessment procedures.

The MRRC's case workers appear similarly focused on financial and resource constraints: without explicitly being asked about it, all case workers refer to financial and resource constraints as influencing their daily work with the vulnerability assessments. The respondents suggest that these constraints are the reason for the limited, prioritised and community-focused assistance at the MRRC.

Moreover, three respondents involved in the design of the assessments and two case workers indicate that financial and resource constraints make IOM dependent on the international community and, specifically, on donor interests. One respondent, for instance, remarks:

"I mean if we have a lot of funding available that's great and we can address the needs of a broader group of people but if we have very little funding available we also have to take into consideration the priorities of the donors. I mean maybe they are only interested in victims of trafficking or pregnant or single women. So those are all factors that we have to take into consideration and then, I guess, balance them".<sup>885</sup>

The respondents involved in the design of the assessments mention donor interests as influencing the continuity of projects, the need for quantifiable reporting and the focus on women in the assistance provision. Case workers similarly mention that donor interests influence the level of assistance as well as the content of the vulnerability criteria.

This donor-dependency means that, in order to attract donors, IOM has to consider international political priorities. To recall, the present study identified three such international political priorities: emergency relief, sustainable development and migration management.<sup>886</sup> The sustainable development and migration management rationales appear particularly relevant for the vulnerability assessments at the MRRC in Khartoum: respondents involved in the assessments' design as well as case workers discuss and link these two rationales. The migration management rationale becomes,

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<sup>885</sup> Transcript, IOM Respondent 8.

<sup>886</sup> See Chapter 3.

for instance, apparent in two aspects of the vulnerability assessments: the baseline eligibility criterion that a beneficiary has to have stayed in Sudan for at least eight months and the reluctance to engage in skills training and income-generating activities for (undocumented) migrants. Respondents underline how sustainable development and migration management are interlinked. One respondent, for instance, remarks: “[Y]ou cannot manage migration better unless you focus on the structural issues around it”.<sup>887</sup>

### 13.3.1.2. Previous Experiences and the Organisational Structure and Culture

The findings indicate that previous experiences influence the design and the implementation of the MRRC’s vulnerability assessments since the assessments were adopted from IOM Egypt and subsequently amended to fit the Sudanese context. Related to this, the aspects of the organisational structure and culture that appear particularly relevant in the respondents’ replies can be summarised under: 1) flexibility, 2) pragmatism and organisational learning and 3) recruitment and skills.

First, respondents involved in the design of the assessments repeatedly refer to the importance of flexibility. One respondent, for instance, asserts that IOM is more flexible than UNHCR and that this flexibility is valued by donors.<sup>888</sup> Case workers similarly emphasise a general flexibility at the MRRC.

Second, respondents tend to underline IOM’s pragmatism and desire to learn as an organisation. One respondent involved in the design of the vulnerability assessments, for instance, suggests that IOM is an organisation that is “*hands-on and very practical*” and eager to learn and improve.<sup>889</sup> Respondents also mention the importance of piloting and feedback and IOM’s operational focus.

Third, respondents involved in the design of the vulnerability assessments emphasise professionalism, the recruitment of the right staff and the adequate training of staff as issues that are important for the vulnerability assessments but might still require some work at the MRRC. Case workers similarly underline the importance of skills development, good communication and mutual respect in the team.

These three aspects of the organisational structure and culture fit well with the characteristics associated with the professional model of administrative justice (e.g. flexibility, comprehensiveness and client-centeredness). Similar characteristics are also reflected in previous literature which highlights, for instance, IOM’s entrepreneurial spirit and fluidity as well as its operational focus and NGO-like assistance provision.<sup>890</sup>

<sup>887</sup> Transcript, IOM Respondent 7.

<sup>888</sup> Transcript, IOM Respondent 8.

<sup>889</sup> Transcript, IOM Respondent 8.

<sup>890</sup> Compare Section 3.4. Pécoud (2018) 1625, 1629–1630. Compare also, e.g., Georgi (2010) 63, 67; Ashutosh (2011) 23; Bradley (2017) 97–98; Gardiner Barber and Bryan (2018) 1726; Frowd (2018) 1656, 1658.

### 13.3.2. FOR THE ACTIVATION APPROACH

The findings illustrate that several contextual constraints are relevant for understanding activation in IOM's vulnerability assessments. This section focuses on what respondents perceive as the most relevant influences in this respect, namely 1) financial and resource constraints and the international community and 2) the operational environment.

#### *13.3.2.1. Financial and Resource Constraints and the International Community*

The findings reveal that financial and resource constraints not only play a role for the procedural preferences regarding the vulnerability assessments at IOM's MRRC in Khartoum, but also influence the activation approach that underlies these assessments. The respondents refer to financial and resource constraints to justify 1) an assessment that does not raise false expectations, 2) the prioritisation of only the most vulnerable cases, 3) the short-term focus of much of IOM's work and 4) the limited amount of assistance that is provided. Interestingly, case workers also suggest that financial and resource constraints might be (one of) the reason(s) behind the MRRC's community focus: leaving assistance for the community to provide is a way of outsourcing that can save valuable resources. This indicates that even the empowerment orientation in the present case might be, at least partially, influenced by financial and resource constraints.

The financial and resource constraints which make IOM dependent on donor interests mean that, in order to adhere to these donor interests, IOM has to take international political priorities into account. To recall, the three priorities outlined in Chapter 3 are: emergency relief, sustainable development and migration management.

The emergency relief rationale appears least prominently reflected in the activation rationale at the MRRC. The sustainable development rationale appears more prominent and underlies much of the MRRC's vulnerability-focused basic assistance policy. This manifests itself in the MRRC's activation focus in general as well as in the tendency to consider enabling measures – such as, for instance, the community focus – as particularly suitable for achieving activation. However, this sustainable development rationale appears to sometimes conflict with the migration management rationale. As such, respondents, for instance, indicate that beneficiaries can no longer receive skills or job trainings because (Sudanese authorities as well as donors) could view this as an attempt to foster local integration or onward movement instead of return. In addition, the migration management rationale becomes apparent in the eligibility criteria that potential beneficiaries have to have stayed in Sudan for at least eight months and cannot be refugees. Several respondents underline that these criteria are important so as to avoid any perception of IOM's work being that of a “travel agency”.<sup>891</sup>

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<sup>891</sup> Transcript, IOM Respondent 5. Also implied by other respondents.

### 13.3.2.2. *The Operational Environment*

The respondents consider the specific context of Sudan and/or Khartoum as crucial for the success of the MRRC in general and highlight several challenges for IOM as well as for potential beneficiaries in this respect.

The challenges for IOM which respondents involved in the design of the assessments mention relate to: 1) the level of government involvement, 2) the number of migrants in the country and 3) the role of Sudan as a transit country. Case workers assert that the operational environment is challenging for IOM because of 1) negotiations with the government and access issues, 2) the economic situation in Sudan and 3) the obligation that migrants have to pay for an exit permit.

Respondents also consider the operational environment as relevant for potential beneficiaries. Respondents involved in the design of the assessments mention in this respect: 1) the government's position towards migrants, 2) security risks at the border and in the urban context, 3) (lacking) migrant communities and 4) employment opportunities. Case workers refer to: 1) the role of exit permits, 2) the risk of detention, exploitation and abuse, 3) the economic situation in Sudan, 4) the lack of assistance provided to migrants as well as in general and 5) the lack of strong migrant communities.

This suggests that the operational environment is relevant because the type of activation measures provided is likely at least partially the result of a careful balancing act between what is feasible in light of IOM's operational challenges and what is desirable in light of the challenges which beneficiaries face.

## 13.4. CONCLUDING REMARKS

To summarise, this case study indicates that IOM Khartoum's vulnerability assessments for basic assistance at the MRRC primarily reflect characteristics that are aligned with the professional model of administrative justice and with empowerment-focused activation. This is promising for the transformative potential of vulnerability because it acknowledges the complex reality of unique, embodied but socially embedded individuals. Due to this nuanced understanding of the human condition, the vulnerability focus in this basic assistance policy exhibits promising starting points for mitigating stigmatisation and stereotyping and for facilitating socio-economic participation. This suggests that, despite considerable contextual constraints, there appear to be ways in which a vulnerability focus in basic assistance policies can contribute to the vulnerability notion's alleged transformative potential. Nevertheless, the above sections also suggest that further improvements would be desirable in order to align the policy practice in the present case even more closely with this transformative potential.

## PART V





## CHAPTER 14

### FINAL DISCUSSION AND CONCLUSIONS<sup>892</sup>

The present study sought to shed light on the complexities involved in assessing and addressing vulnerability in basic assistance policies at UNHCR and IOM in Khartoum, Sudan. In so doing, the study intended to critically reflect on the transformative potential of such a vulnerability focus for substantive equality and therefore for the realisation of universal human rights. This final chapter seeks to answer the study's overarching research question:

How can the vulnerability focus in basic assistance policies by UNHCR and IOM in Khartoum (Sudan) contribute to the vulnerability notion's alleged transformative potential for the realisation of universal human rights?

To do so, this chapter starts by summarising the extent to which the policy practices in the two case studies contribute to the vulnerability notion's alleged transformative potential (14.1). The chapter then elaborates upon the extent to which these findings might be relevant beyond the two case studies by reflecting upon the generalisability and conceptual limitations of the two case studies (14.2). With this in mind, but moving beyond the study's empirical findings, the chapter proposes some key characteristics of a normatively desirable and practically feasible way for providing basic assistance to non-citizens (14.3). Subsequently, the chapter highlights what the normative arguments in this study contribute to the debate on vulnerability in human rights theory (14.4). The chapter concludes with a short normative reflection on the human rights of non-citizens (14.5) and several policy and research recommendations on the basis of the empirical findings as well as normative-theoretical arguments (14.6).

#### 14.1. NORMATIVE IDEAL AND POLICY PRACTICE

##### 14.1.1. DESIRABILITY OF THE APPROACHES ADOPTED IN THE TWO CASE STUDIES

Which, if any, of the approaches for assessing and addressing vulnerability in the two case studies is more desirable, i.e. more likely to contribute to the transformative

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<sup>892</sup> The arguments in this chapter were partially developed in, and are building upon, an article I published in 2019 (Flegar (2019a)).

potential of vulnerability? The answer to this question builds on the findings regarding the procedural and substantive administrative dilemmas at play in the design and implementation of the vulnerability-focused basic assistance policy in each case study.

The study does not judge the two organisations as such but merely evaluates which vulnerability-focused basic assistance policy at the time and place of each case study appears more promising for the transformative potential of vulnerability.

The approaches in both case studies share important similarities. At both organisations, vulnerability assessments are a crucial aspect of the basic assistance provision. The vulnerability assessments in both case studies serve to screen, identify, select and prioritise the most vulnerable beneficiaries. In addition, the understanding of vulnerability at both organisations is somewhat similar: both rely, at least to some extent, on traditional vulnerable groups such as, for instance, children, persons with disabilities or persons with a medical condition. Moreover, although the administrative dilemmas are dealt with differently in each case, the dilemmas themselves appear similar.

Despite these similarities, the two cases differ in their contribution to the vulnerability notion's alleged transformative potential. As such, the case studies show that a vulnerability focus can be part of both a bureaucratic and a professional model of administrative justice. Simultaneously, the case studies reveal that a vulnerability focus can be linked to activation measures that are dominated by responsabilisation as well as by empowerment rationales. The two case studies therefore support previous authors' suggestion that the notion of vulnerability can be employed for a diverse range of policy rationales.<sup>893</sup>

Chapter 9 concludes that UNHCR Khartoum's vulnerability assessment for basic assistance at the time of research is limited in its transformative potential. The bureaucratic and responsabilisation-oriented assessment of vulnerability reflects a limited emphasis on the embodied and embedded nature of vulnerability: 1) the rigid and organisation-focused assessment limits the opportunities to mitigate the interpersonal dynamics that can lead to the stigmatisation or stereotyping of beneficiaries and 2) the limited attention to the beneficiaries' social environment constricts the possibilities for facilitating socio-economic participation.

Chapter 13, on the other hand, concludes that IOM's vulnerability assessments for basic assistance at the MRRC in Khartoum exhibit some transformative potential. The professional and empowerment-oriented assessments of vulnerability reflect an acknowledgement of the complex reality of unique but socially embedded individuals: 1) the flexible and client-centred assessments acknowledge the interpersonal dynamics that can aggravate stigmatisation and stereotyping in the interaction between case workers and beneficiaries and 2) the community focus of the assistance provision recognises the importance of the beneficiaries' social environment which provides starting points for facilitating socio-economic participation.

The IOM case study therefore suggests that the vulnerability notion's alleged transformative potential is not entirely utopian but can (at least partially) be integrated

<sup>893</sup> Compare Section 1.1.

into an actual policy. The MRRC's approach provides some innovative ideas that, from a transformative-potential-of-vulnerability perspective, are worthwhile to foster and build upon. This conclusion might be particularly relevant in the migration context where interpersonal dynamics are likely to be aggravated by biases and stereotypes that might arise from different cultural backgrounds or where language and interpretation problems can cause additional challenges. Similarly, a focus on the beneficiaries' social environment through community-focused empowerment is particularly relevant in the migration context where beneficiaries' vulnerability is usually increased by uprootedness and where beneficiaries face barriers to participation due to exclusionary laws and policies.

#### 14.1.2. FEASIBILITY OF THE TRANSFORMATIVE POTENTIAL OF VULNERABILITY

In addition to evaluating the desirability of the vulnerability focus in the two case studies, this study sought to understand how feasible it would be to align this vulnerability focus with the transformative potential of vulnerability. The answer to this question builds on the contextual constraints that respondents perceive as relevant for their preferences and choices with regard to the respective vulnerability assessments.

The case studies indicate that the vulnerability-assessment-related work in both organisations is hampered by (the respondents' perception of) a number of contextual constraints. The vulnerability assessments' design and implementation in both cases therefore appear to be pragmatic outcomes of what is deemed feasible in light of these contextual constraints.

While the exact role of the contextual constraints differs for each organisation, three cross-cutting issues stand out as particularly relevant for the respective vulnerability assessments: 1) financial and resource constraints: respondents tend to perceive these limitations as the fundamental reason for even having a vulnerability assessment and as relevant for the scope of such an assessment, 2) the international community: due to financial and resource constraints, respondents tend to perceive donor interests and international political priorities as particularly relevant for the form and content of the assessments and assistance provision and 3) the operational environment: respondents emphasise the political, legal, social and economic constraints that Sudan, and specifically Khartoum, place on what is perceived as feasible for the design and implementation of the vulnerability-focused basic assistance policies. As the two case studies reveal, these are not the only contextual constraints that respondents consider relevant. However, these constraints are important to highlight as they are the most similar in both cases and across the different interviews and field notes (for the other constraints see below Section 14.1.3).

This suggests that the transformative potential in both cases studies could be larger if these contextual constraints did not exist or could be circumvented. It remains intriguing that, despite these similar contextual constraints, one case study exhibits

more transformative potential for substantive equality than the other. Which (other) contextual constraints might explain this difference in approach in the two cases and therefore influence whether or not a vulnerability-focused basic assistance policy can be aligned with the transformative potential of vulnerability? The next section elaborates upon this issue.

### 14.1.3. UNDERSTANDING THE DIFFERENCE IN APPROACH

The two case studies underline that different approaches to assessing and addressing vulnerability can exist – even if some contextual constraints are similar. There are several possible reasons for this difference in approach between the two case studies and the present study did not seek to establish any empirical co-relation that could explain this difference.<sup>894</sup> Instead, this section merely intends to build an argument that can help to understand this difference. This argument is less directly drawn from the case study findings and arises more implicitly from the way in which respondents in the two case studies frame their work and replies (e.g. by interpreting my interview questions in light of legal (refugee) status at UNHCR or a tendency to view these questions from a migration management perspective at IOM).

This implicit framing suggests that a difference in mandate between the two organisations is at least partially relevant for understanding the different approach to the vulnerability-focused basic assistance policies.<sup>895</sup> The differing mandates make direct comparisons between the two organisations challenging.<sup>896</sup> Yet, each organisation's mandate is relevant because it shapes the way in which contextual constraints are understood when designing and/or implementing a vulnerability-focused basic assistance policy. The mandate at least partially influences the organisational structure and culture and functions as the lens through which an organisation considers and interprets a certain problem. The two organisations differ fundamentally in their previous experiences and organisational structure and culture: UNHCR Khartoum's previous experience at the time of research tends to focus on the humanitarian camp context and the key aspects of the organisational structure and culture mentioned by respondents are coordination and communication issues, time pressure and frequent staff turn-over. At IOM Khartoum, the respondents emphasise previous experiences with migrants in other countries and indicate that IOM Khartoum's organisational structure and culture is shaped by flexibility, pragmatism and organisational learning and increased recruitment and training.

Together with these (and possibly other) organisational characteristics, the mandate shapes each organisation's perceived operational flexibility, i.e. the organisation's ability

<sup>894</sup> At least one of these possibilities is methodological and relates to the sequential case study design and different data collection and analysis in the two case studies (see Chapter 4).

<sup>895</sup> Other possible reasons for the different approach could, for instance, be different experiences, time pressure, the target group or the staff capacity. However, each of these aspects essentially also boils down (or is, at least, related) to the different mandates of the organisations.

<sup>896</sup> Compare Sections 1.3, 1.6 and 4.5.5.

to manoeuvre the interests of the international community and host government in a complex operational environment like Sudan. UNHCR's mandate is specifically focused on the protection of asylum seekers and refugees while IOM's mandate entails a diverse range of migration management-related objectives and is less specifically focused on the protection of migrants.<sup>897</sup> UNHCR's protection mandate means that the protection of the target group as a whole is the first priority and every compromise in protection terms is considered a risk. Hence, advocacy efforts on specific issues and the maintenance of general humanitarian access to the country always have to be carefully weighed against each other. For IOM, on the other hand, protection is a somewhat voluntary add-on and a way to promote IOM as not merely being a migration management agency. This suggests that, at the time of research, UNHCR Khartoum tends to perceive protection is a liability while, for IOM Khartoum, protection presents an opportunity (to increase the organisation's relevance).

The mandate of each organisation was created in a specific historical context. Relying on these mandates in highly diverse circumstances is bound to yield somewhat different – and possibly unintended – effects. In the present study, IOM's fluid mandate and state-oriented approach appear to leave more room for manoeuvre and the organisation has more to offer that is aligned with the interests of the Sudanese authorities as well as with donor governments. This facilitates more comprehensive, evidence-based and expansive basic assistance policies, thereby potentially increasing the transformative potential of such policies. Hence, contextual constraints by themselves do not necessarily hamper the transformative potential of a vulnerability focus in basic assistance policies. Instead, the transformative potential depends on an organisation's willingness and possibilities to find ways to align with any such normative ideals despite the (perceived) contextual constraints.

## 14.2. BEYOND THE TWO CASE STUDIES

The above arguments raise the question to what extent the two case studies are relevant beyond the specific research contexts: what do the findings suggest as possible starting points for a normatively desirable and practically feasible way of providing vulnerability-focused basic assistance to non-citizens? To answer this question, this section discusses the generalisability and conceptual simplifications that underlie, or have become apparent, throughout this study.

### 14.2.1. GENERALISABILITY

This study sought to deepen, diversify and contextualise the vulnerability notion but this inevitably remains a task with unfinished and challengeable findings since dilemmas, preferences, choices and constraints may continuously change as

<sup>897</sup> Compare Sections 1.3 and 3.4.1.

circumstances evolve. The study is unlikely to have excavated all the different influences and issues at play and the considerations and issues which emerge in the two case studies might differ in other contexts. Moreover, the case selection in this study impacts the richness and meaningfulness of the present study's findings and the scope (and number of respondents) of the two case studies remains limited.<sup>898</sup> Hence, the findings and arguments developed in this study merely hope to set the scene and to propose a first reference point for normatively desirable and practically feasible vulnerability-focused basic assistance policies.

The propositions in this chapter should not be read as general arguments about UNHCR's approach being completely detrimental (or IOM's approach being perfectly conducive) to the transformative potential of vulnerability. This is the case for at least three reasons. First, both approaches investigated in this study have their upsides and downsides and valuable lessons can be learned from the experiences of both organisations. Second, the case studies only focus on two specific policies, two specific instances in time and a specific country context and, although possibly being first indications, the findings do not reflect the approaches of either organisation at a more general level. Third, the study did not investigate the beneficiaries' perception of the policies but merely reflected upon the desirability of each approach from a normative-theoretical perspective. Above all, the study should thus be viewed as an indication of the struggles of both organisations as well as of their desire to assist in the best way possible despite manifold administrative dilemmas and contextual constraints in Khartoum at the time of research.

In light of these limitations, the present study relies on two specific understandings of generalisation (see Chapter 4), namely a) as a way to relate the findings to broader frameworks and b) as a way to emphasise the likelihood of similar practices also emerging in other settings than at UNHCR or IOM in Khartoum.<sup>899</sup> This pragmatic desire to highlight the breadth and diversity of general possibilities guides the generalisation efforts of this final chapter. Such a 'light' generalisation seeks to maintain the complexity of each case while simultaneously allowing for statements that are potentially relevant beyond the two case studies.<sup>900</sup>

With this in mind, the study proposes that the administrative dilemmas that were identified on the basis of the two case studies are likely also relevant in other contexts. However, the choices with regard to each dilemma depend on the specific context. The (perceived) contextual constraints identified in the two case studies are organisation- and country-specific and it remains for future studies to determine the extent to which they are also relevant (and influence the choices with regard to each administrative dilemma) in other contexts. Yet, in light of previous literature, it is not unlikely that (a number of) these constraints are also relevant in other contexts.<sup>901</sup> This argument is the

<sup>898</sup> However, see also Section 4.1.3 on case selection and Section 4.3.5: 'A Note on the Number of Respondents'.

<sup>899</sup> Alasuutari (1995) 155–156 and Peräkylä (2004) 297. Both cited in Silverman (2008) 171–173.

<sup>900</sup> See also Section 4.1.2.

<sup>901</sup> Compare Section 3.4.

extent to which the present study proposes the findings from the two case studies can possibly be generalised, i.e. be relevant to broader frameworks or in other contexts.

#### 14.2.2. LIMITATIONS OF THE PRESENT STUDY'S CONCEPTUALISATIONS

As Chapters 2 and 3 outlined, the study has a strong normative foundation and builds upon a number of assumptions. Obviously, many of these assumptions can be challenged and/or have potential shortcomings that, for reasons of conceptual clarity and due to the exploratory approach of this study, were not discussed in earlier chapters. Yet, it is important to remember these assumptions and shortcomings for potential generalisations as well as for future research. A number of these aspects are therefore discussed below.

Differentiating More Explicitly: 1) The present study relied on some policy documents but primarily focused on the respondents' perceptions. Future research should distinguish more clearly between an analysis of such documentation (e.g. an analysis of case files) and the respondents' perceptions. However, such studies should remember that this documentation and the perceptions of the persons involved therein are related and influence each other. 2) The present study's exploratory approach resulted in a broad analysis of the design and implementation of two basic assistance policies. Future research should focus on either the design or the implementation to rely on more specific previous theories to help explain the findings. Yet, such studies should remember that the design and implementation phases of policies are usually related and interact with each other.

Recognising Mutual Influences: 1) The administrative dilemmas identified in this study can be related and influence each other (not only within the procedural and substantive dilemmas but also across this divide). This means, for instance, that a more comprehensive assessment is more likely to focus on both needs and risks than an assessment that focuses on feasibility. Similarly, an assessment that focuses on rigidity is more likely to entail control measures than an assessment that takes a more flexible approach. Future research should therefore analyse to what extent specific administrative justice models are related to specific activation measures (e.g. the relationship between a bureaucratic model of administrative justice and responsabilisation-oriented activation measures). 2) In distinguishing procedural and substantive dilemmas, the study treated procedure and outcome as separate issues. However, both are frequently related. The way in which the interpersonal dynamics in the case worker-beneficiary interaction are addressed can, for instance, impact both the accuracy of, and the beneficiary's satisfaction with, a decision. Similarly, measures which encourage honesty and openness among beneficiaries cannot only help to mitigate stigmatisation and stereotyping but can also improve the accuracy and appropriateness of the assistance provision. Future research should take this relationship into account when seeking to identify ways to address the root causes,

rather than merely the symptoms, of a beneficiary's vulnerability. 3) The present study focused on two specific dimensions of substantive equality and treated them separately. However, similar to the relationship between procedure and outcome, these two (and other) dimensions of substantive equality are interrelated and influence each other. As such, for instance, the socio-economic participation of a beneficiary is more likely if stereotypes and stigmatisation are mitigated since adequate recognition increases a person's self-trust, self-respect and self-esteem and therefore the person's ability to act.<sup>902</sup> Future research should recognise and investigate this relationship in more depth.

#### 14.2.3. SPECIFIC ISSUES REGARDING THE ADMINISTRATIVE DILEMMAS

Chapter 3 provided a framework of different administrative dilemmas in the form of dichotomies that served to structure, analyse and evaluate the case study findings. To allow for a clear structure of this study, the framework presented the different dichotomies without discussing any underlying assumptions. However, to place the study's findings into perspective, and to build on these findings in future research, it is important to be aware of, and question, some of these assumptions. This is what this section intends to do.

##### 14.2.3.1. *Mitigating Stigmatisation and Stereotyping*

Rigidity/Flexibility: This study considered a flexible vulnerability assessment as more likely to mitigate stigmatisation and stereotyping. However, too much flexibility in the decision-making could mean that similar cases are treated differently. This opens the door to arbitrariness and can compromise the fairness of the procedure. Yet, some inconsistencies always remain: the first case study indicated that, if the procedure seeks to eliminate any inconsistencies through rigidity, the inconsistencies still exist but simply become less visible. This study therefore still considers a somewhat flexible vulnerability assessment (that acknowledges and encourages the case workers' professional judgment) as more beneficial both for mitigating stigmatisation and stereotyping and for facilitating socio-economic participation. However, to simultaneously ensure fairness and accountability, some form of internal review (e.g. weekly team discussions about cases) as well as an external complaint mechanism for potential beneficiaries remain crucial.

Feasibility/Comprehensiveness: The study regarded a comprehensive assessment as more conducive to the mitigation of stigmatisation and stereotyping. However, a good assessment might sometimes be better than a perfect one: comprehensiveness might be better for the individual beneficiary but if this costs too much time and resources it can compromise the number of beneficiaries that can be assisted. Hence,

<sup>902</sup> Anderson and Honneth (2004) 131–132. Compare Section 2.2.2.



the question remains whether a less perfect assistance to a larger group might not (in some circumstances) be more closely aligned with the transformative potential of vulnerability. Yet, it does not necessarily have to be the case that an approach that is (perceived as) more feasible is actually also less resource-intensive. The present study cannot resolve this dilemma but it remains an important issue to consider in future policies and research.

Risking Under-/Over-Inclusiveness: The study viewed risking over-inclusiveness in the assessment as more likely to mitigate stigmatisation and stereotyping. This is based on the assumption that such a preference for risking over-inclusiveness (which does not necessarily mean actual over-inclusiveness) prioritises a concern for potential beneficiaries above organisational concerns. This implies that an assessment that risks over-inclusiveness pays more attention to the individual beneficiary. However, over-inclusiveness might lead to generalisations like, for instance, considering all women as vulnerable. Moreover, over-inclusiveness might lead to more limited resources down the line which can compromise adequate assistance to those who are most in need. Hence, the question remains whether (in some circumstances) under-inclusiveness might not be more closely aligned with the transformative potential of vulnerability. Again, this issue should be the subject of further research.

#### *14.2.3.2. Facilitating Socio-Economic Participation*

Short-Term Relief and/or Structural Change: The study considered working towards structural change as more conducive to facilitating socio-economic participation. Yet, structural change remains difficult to achieve in the migration context. The transformative potential of vulnerability cannot overcome the political predisposition of recipient countries that the rights and freedoms of non-citizens must be restricted (compare Chapter 2). Moreover, even beyond the migration context, short-term relief remains important to ensure that the most vulnerable are not falling between the cracks. Efforts to achieve structural change should therefore not take place at the expense of the provision of short-term basic assistance to vulnerable individuals.

Control and/or Support: The study viewed support measures as more likely to facilitate socio-economic participation. The limitation of this assumption is twofold. 1) The vulnerability assessment itself is obviously already a form of control. The present study considers such eligibility assessments as indispensable from an administrative point of view. Others might, however, suggest working without such assessments altogether. This study remains sceptical of such suggestions but future research could explore whether and how this could work. 2) It is important to recognise that some control measures can actually be conducive to facilitating socio-economic participation: depending on their objective, some control measures can grant a more comprehensive picture of the beneficiary's social environment. This can help to identify individually tailored assistance measures that contribute to the beneficiary's socio-economic participation. This study therefore proposes that, in the end, the benefit of control

measures depends on the objective and underlying rationale of such measures: control measures are unlikely to facilitate socio-economic participation if they are adopted because the beneficiaries are mistrusted and are considered responsible for their own fate. If control measures are, however, instigated in the form of follow-up measures and as a thorough inquiry into the beneficiary's social environment, they might facilitate socio-economic participation.

Material Needs and/or Protection Risks: The study regarded a risk-related, or a risk- and needs-related, understanding of vulnerability as more likely to facilitate socio-economic participation. However, it is not necessarily the case that a risk-focus is, by definition, the better approach in this respect. Instead, what is more important is to clarify the purpose for which vulnerability is being identified (i.e. what is the beneficiary vulnerable *to?*), to understand vulnerability as context-dependent and to define what type of vulnerability is being identified. Nevertheless, it does seem most conducive to facilitating socio-economic participation if needs and risks are understood as intrinsically related. A need for financial assistance can, for instance, be related to a heightened risk of exploitation or abuse. It remains for future policies and research to identify and distinguish the different needs- and risk-related factors of vulnerability that are at play in a specific context.

### 14.3. TOWARDS SUBSTANTIVE EQUALITY

The study started as a normative inquiry and the empirical case studies sought to enrich this normative debate. Hence, the remainder of this chapter develops a number of normative arguments that go beyond the above limitations, nuances and notes of caution. This is done since it would otherwise not be possible to draw relevant conclusions for the normative issues outlined in Chapters 1 and 2 of this study.

This section proposes some key characteristics of a normatively desirable and practically feasible way of providing basic assistance to non-citizens. Although the arguments are grounded in the two case studies, the section is normative and builds on previous literature as well as on the present author's expertise and perspective. Hence, the focus is broader and more general than what was analysed in the two case studies. To ensure these arguments are not taken out of thin air, the subsequent sections seek to substantiate the arguments both with examples from the case studies and with relevant literature. However, it should be clear that the arguments advanced in the remainder of this chapter are largely normative and, although inspired by the two case studies, are not always directly based on specific findings from the case studies.

This section propose a combination of measures that might allow vulnerability-focused basic assistance policies for non-citizens to mitigating stigmatisation and stereotyping and facilitating socio-economic participation. The key characteristics and risks outlined below do not provide a comprehensive overview but merely seek to present a first reference point for future policies and/or research. While the

individual arguments themselves might not be new, the section seeks to emphasise the importance of an integrated approach: combining professional individual assistance and community-focused empowerment is important for allowing vulnerability-focused basic assistance policies to contribute to the transformative potential of vulnerability for substantive equality.

### 14.3.1. KEY CHARACTERISTICS OF PROFESSIONAL INDIVIDUAL ASSISTANCE

The study found that the two organisations adopt different approaches to administrative justice in the respective vulnerability assessment procedures. These approaches have different effects for mitigating stigmatisation and stereotyping in the respective assessments: while the vulnerability assessment in the first case study subdues the interpersonal dynamics in the case worker-beneficiary interaction through a focus on accuracy (bureaucratic model), the second case study's approach gives room to, and makes use of, these dynamics through a focus on client satisfaction (professional model). In light of the arguments presented in Chapters 2 and 3, the second case study's approach therefore exhibits more transformative potential for mitigating stigmatisation and stereotyping. This section identifies and elaborates on the importance of some of the key characteristics of such a professional individual assistance approach beyond the specificities of the two case studies.

Attention: First, it is important to pay sufficient attention to the potential stereotypes that can underlie, influence and/or emerge from the interpersonal dynamics in the interaction between case worker and potential beneficiary. Christensen, Szmer and Stritch, for instance, hold that “prejudice exists but that certain administrative processes serve better than others to suppress race and gender biases”.<sup>903</sup> In order to suppress such biases, Kulik and Holbrook suggest (similar to IOM respondents) that granting sufficient “voice opportunities” and providing thorough explanations and evidence for the decision might be more important than matching race or gender.<sup>904</sup> Hence, rather than engaging in the impossible endeavour of seeking to eliminate stereotypes and stigmatisation through rigid procedure, professional individual assistance means mitigating stereotypes and stigmatisation by taking sufficient time for each individual

<sup>903</sup> Robert Christensen, John Szmer and Justin Stritch, ‘Race and Gender Bias in Three Administrative Contexts: Impact on Work Assignments in State Supreme Courts’ [2012] 22 *Journal of Public Administration Research and Theory*, 625, 627. See also, e.g. Lael Keiser, ‘Understanding Street-Level Bureaucrats’ Decision Making: Determining Eligibility in the Social Security Disability Program’ [2010] 70(2) *Public Administration Review* 254; Frank Rudy Cooper, ‘Always Already Suspect: Revising Vulnerability Theory’ [2015] 93(5) *North Carolina Law Review* 1339.

<sup>904</sup> Carol Kulik and Robert Holbrook, Jr., ‘Demographics in Service Encounters: Effects of Racial and Gender Congruence on Perceived Fairness’ [2000] 13(4) *Social Justice Research* 396–397. Compare also, e.g., Christensen, Szmer and Stritch (2012) 643.

beneficiary and paying thorough attention to their problems, experiences and perceptions.

Empathy: Second, and somewhat related to the previous point, potential beneficiaries should be treated with empathy, respect, patience and understanding. Several respondents at IOM, for instance, suggest that letting migrants tell their story instead of immediately imposing the MRRC's eligibility criteria upon this story makes beneficiaries feel at ease. Empathy and listening skills are commonly emphasised as crucial for social work – especially when social work entails the assistance to individuals that are perceived as particularly vulnerable.<sup>905</sup> Although this study did not investigate the effectiveness of such measures, previous literature finds that empathy is indeed conducive to the mitigation of stereotypes as well as to procedural and substantive justice and, through recognition, might also help to reduce stress and improve the mental health of potential beneficiaries.<sup>906</sup>

Complexity: Third, the complexity of each beneficiary's situation should be taken into account. Previous authors point out that the situations of beneficiaries are frequently complex and unpredictable.<sup>907</sup> The case studies similarly indicate that, for this reason, it could be useful to have different assessments for different types of assistance and to inventory capacities in addition to vulnerabilities. These measures can help to provide a more comprehensive picture of the individual beneficiary's situation and therefore facilitate the provision of tailored solutions. Additionally, in providing an opportunity to gather information on vulnerabilities that are shared among a larger group of beneficiaries, such nuanced assessments can indicate broader issues and therefore facilitate structural change.

The case studies also indicate that professional individual assistance might go hand in hand with (or at least be facilitated by) specific characteristics of the organisational culture. Some of these organisational characteristics are: training, communication, coaching-style management and a general bottom-up approach.

Training: As regards the professionalism of case workers, several respondents in both case studies raise the issue of the professional skills and the training of staff. Other authors similarly find that educational background, training and professional skills are important influences on the procedure and outcome of interactions between case workers and beneficiaries.<sup>908</sup> Hepworth *et al*, for instance, suggest that “nearly half of the outcome relies on fundamental skills and abilities that social workers need to

<sup>905</sup> Compare, e.g., Teater (2010) 59, 102–116.

<sup>906</sup> Compare, e.g., Craig and Lovel (2005) 134; Didde Cramer Jensen and Line Bjørnskov Pedersen, ‘The Impact of Empathy – Explaining Diversity in Street-Level Decision-Making’ [2017] 27(3) *Journal of Public Administration Research and Theory* 441. See also Section 2.2.1.

<sup>907</sup> Lipsky (1980/2010) 29. Hjörne, Juhila and van Nijnatten (2010) 304.

<sup>908</sup> Compare, e.g., Kulik and Holbrook (2000) 396; Helena Blomberg, Christian Kroll, Johanna Kallio and Jani Erola, ‘Social Workers’ Perceptions of the Causes of Poverty in the Nordic Countries’ [2013] 23(1) *Journal of European Social Policy* 77; Lucy Gilson, ‘Michael Lipsky, Street-Level Bureaucracy: Dilemmas of the Individual in Public Service’ in Martin Lodge, Edward Page and Steven Balla, *The Oxford Handbook of Classics in Public Policy and Administration* (Oxford University Press 2015) 398–400.

learn”.<sup>909</sup> The skills, training and background of staff not only influence the individual interactions with beneficiaries but also shape the organisational culture by determining what behaviours and decisions are deemed acceptable in the organisation. This, in turn, leads to a further institutionalisation of the values that shape the interaction with beneficiaries. Emphasising the three abovementioned elements (attention, empathy and complexity) in the training of staff can therefore be conducive to professional individual assistance.

Communication: Several respondents at IOM Khartoum mention the importance of understanding assistance provision as a team effort and underline the role of communication within the team. Indeed, the importance of communication within the team is also emphasised in the literature. Gilson, for instance, suggests that reflection and deliberation in the team can help the “co-production” of accountability, i.e. “a social relationship in which an actor feels obligation to explain and justify his conduct to some significant other”.<sup>910</sup> This once more underlines the interplay between the organisational culture and the way in which assistance is provided to individual beneficiaries. Open and frequent communication within the team with due regard to the three abovementioned elements (attention, empathy and complexity) can foster the professional provision of individual assistance.

Coaching-Style Management: The case studies also indicate that, at the time of research, the management style differed between a more hierarchical style at UNHCR Khartoum and a more flexible and interactive style at IOM’s MRRC in Khartoum. Gilson asserts that “encouraging interpretive conversations within an organisation” and “stimulat[ing] discussion rather than primarily to judge performance” can improve knowledge-sharing and mutual support among case workers.<sup>911</sup> Others indicate that such an approach can also improve inclusiveness within the organisation and “discourage prejudices”.<sup>912</sup> Moreover, Keiser even suggests that a more flexible and interactive style can contribute to the consistency of the decisions.<sup>913</sup> Hence, what I call, ‘coaching-style’ management appears more promising for the provision of professional individual assistance.

Bottom-Up Approach: Lastly, the findings at IOM Khartoum indicate that potential beneficiaries are rarely immediately excluded from any form of assistance. Instead, case workers tend to frame the assessments and related assistance provision as a joint exploration between case worker and potential beneficiary. This joint exploration serves to determine what is most needed and who can provide it. Other authors similarly emphasise the importance of beneficiaries as “reference group” for best practices that should be empowered “to be more involved in the decision-making”.<sup>914</sup> Related to this,

<sup>909</sup> Hepworth *et al.* (2017) 91.

<sup>910</sup> Gilson (2015) 398–400.

<sup>911</sup> Gilson (2015) 398–400.

<sup>912</sup> Christensen, Szmer and Stritch (2012) 644.

<sup>913</sup> Keiser (2010) 254.

<sup>914</sup> Gilson (2015) 398–400.

Gilson also suggests “backward mapping”, i.e. to include policy implementers, and possibly even potential beneficiaries themselves, in the policy design process in an early stage so as to get a clearer picture of the likely impacts of the intended policy.<sup>915</sup> A joint and bottom-up exploration with beneficiaries about their individual as well as community needs is therefore another important element of professional individual assistance.

#### 14.3.2. KEY CHARACTERISTICS OF COMMUNITY-FOCUSED EMPOWERMENT

The study found that the two organisations adopt different approaches for facilitating socio-economic participation. While UNHCR Khartoum primarily seeks to encourage the beneficiary to find other options than basic assistance by limiting the time, scope and amount of assistance (responsibilisation), IOM Khartoum partially channels its assistance through communities and focuses on enabling community institutions to help their vulnerable members (empowerment). As already highlighted in Chapters 2 and 3, the latter approach exhibits more transformative potential for facilitating socio-economic participation. This section identifies and elaborates upon the importance of some of the key characteristics of such an approach beyond the specificities of the two case studies.

Access: First, as IOM’s outreach activities exemplify, community-focused empowerment should seek to diminish access barriers for assistance. Focusing on communities can diminish access barriers to the provision of assistance by making assistance broadly accessible to all community members and by asking communities to refer vulnerable community members for assistance (and actively engaging with the communities to this effect). Hence, providing broad assistance through communities can mitigate some of the exclusionary effects of selective individual assistance (although, as mentioned below, it might simultaneously perpetuate other forms of exclusion).<sup>916</sup> This requires active engagement with, and mobilisation within, the different communities.

Social Resilience: Second, community-focused empowerment should pay attention to individual as well as social resilience. In its broadest definition, resilience can be understood as “a positive, adaptive response to adversity”.<sup>917</sup> In order to understand how community-focused empowerment relates to the strengthening of individual and social resilience, one has to be aware of the diverse social threads which embed individuals in society.<sup>918</sup> If, as is often the case in the migration context, one or several of these threads

<sup>915</sup> Gilson (2015) 398–400.

<sup>916</sup> Compare, e.g., Jaspars and Shoham (1999) 370.

<sup>917</sup> Chaskin (2008) 66.

<sup>918</sup> Compare, e.g., Serge Paugam, ‘Poverty and Attachment Regimes in Modern Societies’ in Joachim Schroeder, Louis Seukwa and Ulrike Voigtsberger (eds.) *Soziale Bildungsarbeit – Europäische Debatten und Projekte* (Springer 2017) 9–27.

are unavailable, the strengthening of other threads becomes all the more important. As such, migrant communities are crucial where families and other social networks have often been left behind in the country of origin.<sup>919</sup> To build individual as well as social resilience, community-focused empowerment should therefore seek to “reinforc[e] the adaptation systems and normative processes, the ‘ordinary magic’ of well-functioning communities”.<sup>920</sup> This allows individuals to rely on community resources during hardship while the general community capacity for collective action is strengthened, as well.<sup>921</sup>

Sustainability: Third, community-focused empowerment should aim for sustainability. Community-focused empowerment can contribute to sustainable structural change – or, as IOM respondents assert, can be part of an assistance provider’s exit strategy. Related to this, it might even lead to additional resources being raised within the community. In this respect, participation, agency, democratic accountability and transparency as well as ownership and self-reliance among beneficiaries are of fundamental importance.<sup>922</sup> This means that sustainable community-focused empowerment requires participatory approaches that ensure the targeted communities feel actively engaged and responsible.

### 14.3.3. REMAINING RISKS

Both professional individual assistance and community-focused empowerment entail several risks. This section outlines two risks for professional individual assistance (related to selectivity and value judgements), three risks for community-focused empowerment (related to power imbalances, gate keeping and a lack of expertise and acknowledgement) and one general risk related to both professional individual assistance and community-focused empowerment (diverted attention from structural issues).

Selectivity: One risk of professional individual assistance is that individually targeted assistance is not universal but remains highly selective. Combining professional individual assistance and community-focused empowerment establishes a double safety net that can somewhat mitigate this risk. However, selectivity might, in some instances, still be perceived as unjust by non-eligible beneficiaries and could still result in some persons falling between the cracks. Moreover, there is no safeguard against an ever higher selectivity through prioritisation – for instance, if resources are becoming increasingly scarce. These issues are not only problematic for the individual beneficiary but can also compromise the perceived legitimacy of the assistance provision as a whole.

Value Judgements: Another risk of professional individual assistance lies in the fact that eligibility decisions as well as case worker-beneficiary interactions always entail

<sup>919</sup> Compare, e.g., Doron (2005); Paugam (2017).

<sup>920</sup> Chaskin (2008) 72.

<sup>921</sup> Chaskin (2008) 72.

<sup>922</sup> Muggah (2005) 153–154.



a normative undertone that can shape the beneficiary's self-image. As such, eligibility assessments always entail some perception and performance dynamics, can "create uncertainties about the effects of the balance of power" and "drive forward a certain representation of problems".<sup>923</sup> Moreover, identifying an individual as vulnerable can imply, for instance, "constrained human agency, potential or actual injustice and a legitimization of resources being deployed".<sup>924</sup> These risks are particularly important to keep in mind for assistance that entails a form of direct hand-out rather than empowerment-focused activation measures.

**Power Imbalances:** As mentioned both by IOM respondents and in the literature, one risk of community-focused empowerment lies in the differences within and between communities and in the existing power imbalances in this respect. Jaspars and Shoham, for instance, hold that communities might be "co-opted into targeting" which can be problematic because they "do not necessarily prioritise the most vulnerable" due to political considerations, social obligations or since "[p]erceptions of vulnerability [...] differ between communities and outsiders".<sup>925</sup> Chaskin similarly points to the fact that "communities are not monolithic" which means that "[g]ains for some are losses for others" and that the risk that successful community development can lead to people whose situation has improved moving away or to the gentrification of the community.<sup>926</sup> Undue attention to these differences and power imbalances could hinder or even reverse some of the positive effects which community-focused empowerment can have for the transformative potential of vulnerability.

**Gatekeeping:** Another risk of community-focused empowerment lies in the fact that approaches specifically aimed at encouraging persons to participate more extensively in their community might not only be ineffective but could also have counter-productive effects. Albeit in a completely different context than Sudan, a study on the Dutch policies to encourage a "*participatiesamenleving*" (participatory society), for instance, reveals that an emphasis on communities can lead to the state (or, in the present study, UN agencies) becoming the gatekeeper for what constitutes good social citizenship.<sup>927</sup> This can lead to new forms of exclusion and a hollowed-out understanding of social citizenship as mere means to an end.<sup>928</sup> This risks the exclusion of more critical and

<sup>923</sup> Pierre Lascoumes and Patrick Le Gales, 'Introduction: Understanding Public Policy through Its Instruments – From the Nature of Instruments to the Sociology of Public Policy Instrumentation' [2007] 20(1) Governance 9. See also, e.g., Kate Brown, 'Re-moralising "vulnerability"' [2012] 6(1) People, Place and Policy, 46.

<sup>924</sup> Brown (2017), 667. Glasman (2017) 354.

<sup>925</sup> Compare also Jaspars and Shoham (1991) 364–367, 370; See also, e.g., Brigit Obrist, Constanze Pfeiffer and Robert Henley 'Multi-layered Social Resilience: A New Approach in Mitigation Research' [2010] 10(4) Progress in Development Studies 288; Mason and Pulvirenti (2013) 411.

<sup>926</sup> Chaskin (2008) 73.

<sup>927</sup> Social citizenship should not be confused with legal citizenship. See Section 1.7.4.

<sup>928</sup> Imrat Verhoeven and Marcel Ham, 'De overheid op zoek naar brave burgers' in Imrat Verhoeven and Marcel Ham (eds.) *Brave burgers gezocht: De grenzen van de activerende overheid* (Uitgeverij Van Gennep 2010) 15.



autonomous elements of social citizenship, which can result in “a waste of human and material resources”.<sup>929</sup>

Lack of Expertise and Acknowledgement: A third risk of community-focused empowerment is related to a potential lack of expertise and acknowledgement. Lub, Schotanus and Uytterlinde, for instance, highlight several “*participatieparadoxen*” (participatory paradoxes) through a Dutch policy example that placed persons with serious mental disabilities in a community instead of in a separate institution.<sup>930</sup> The authors find that this community focus had several unintended effects: voluntary agencies were taken less seriously and were contacted less by the authorities, the freedom of movement of persons with serious mental disabilities was limited rather than expanded and assistance turned out to be inadequate since potential beneficiaries were often not able to oversee their own problems or formulate their needs for assistance.<sup>931</sup> It seems that, under such circumstances, community-focused empowerment interventions would be unlikely to facilitate socio-economic participation.

Diverted Attention from Structural Issues: Lastly, a risk related to both professional individual assistance and community-focused empowerment is the fact that, in assisting the individual and/or community, less attention might be paid to underlying structural issues. This could mean that, in some instances, structural issues might become acceptable and/or are perpetuated because assistance is already being provided at the individual level. Similarly, a focus on communities can (but certainly does not have to) divert attention from more abstract structural issues. Bourbeau, for instance, suggests that resilience-building could come “at the expense of an analysis of the causes of inequality, injustice, power discrepancies, and vulnerability”.<sup>932</sup> Chaskin similarly asserts that “many of the circumstances that shape life in disadvantaged communities – poverty, inequality, discrimination” are “more fundamental structural social problems” whose origin and solution lies at a different level (e.g. in changes to laws and policies).<sup>933</sup> A reason for this risk is that (international or non-governmental) assistance providers might mitigate the problems to such an extent that authorities might no longer see the need to structurally change the situation. While this does not necessarily have to be the case, it is certainly a risk that has to be considered carefully when designing and implementing vulnerability-focused basic assistance policies.

<sup>929</sup> Vasco Lub, Liesbeth Schotanus and Matthijs Uytterlinde, ‘Als ‘meedoen’ een dogma wordt. De participatieparadoxen van de Wmo’ in Verhoeven and Ham (eds., 2010) 26.

<sup>930</sup> Lub, Schotanus and Uytterlinde (2010) 26.

<sup>931</sup> Lub, Schotanus and Uytterlinde (2010) 26.

<sup>932</sup> Philippe Bourbeau, ‘Resilience and International Politics: Premises, Debates, Agenda’ [2015] 17 International Studies Review 388. Compare also, e.g., Brown (2012), 49; Ticktin (2011) 3.

<sup>933</sup> Chaskin (2008) 73. See also, e.g., Muggah (2005); Suzan Ilcan and Kim Rygiel, “‘Resiliency Humanitarianism’: Responsibilizing Refugees through Humanitarian Emergency Governance in the Camp’ [2015] 9 International Political Sociology 334, 348.

#### 14.3.4. THE IMPORTANCE OF A COMBINED APPROACH

Combining professional individual assistance and community-focused empowerment can mitigate some of the abovementioned risks. Although such a combined approach cannot solve all possible problems that might arise in relation to vulnerability-focused basic assistance, it can provide a double safety net in at least four ways.

Mental Health Support: First, the combination of professional individual assistance and community-focused empowerment can improve attention to the beneficiaries' mental health. Some potential beneficiaries might require professional support which a sole community-focused approach cannot provide.<sup>934</sup> Hence, professional individual assistance which includes mental health counselling remains important. Simultaneously, community-focused empowerment can support such mental health counselling: communities can help to heal a "fractured sense of identity" – the traumatic experiences, stress, insecurity and other migration-related strains on non-citizens' mental health.<sup>935</sup>

Power Imbalances: Second, the combination of both aspects can mitigate the power imbalances inherent in each type of assistance. Professional individual assistance can help to mitigate potential power imbalances within communities and fill gaps in the assistance provision by identifying the need for, and providing, specialised professional support. *Vice versa*, community-focused empowerment can help to fill the gaps left by any remaining stereotypes or stigmatisation in the case worker-beneficiary interaction or other exclusion errors in the professional assistance provision.

Access: Third, the combination of professional individual assistance and community-focused empowerment can lower the access threshold. The identification of vulnerable community members through the communities themselves can help to lower the access barrier that might exist for the most vulnerable beneficiaries who are unable to find their way to the assistance provider. Simultaneously, the existence of professional individual assistance ensures that also those members who might not be identified by the community (due to, e.g. discrimination, non-membership or lacking internal community friendship/network ties) can still receive the required assistance.

Identification: Fourth, the combination of both aspects can improve the assistance provider's understanding of vulnerability. The identification of vulnerability through professional individual assistance can help to identify gaps and opportunities in the community structures. Simultaneously, community-focused empowerment measures can help to better understand how a beneficiary's social environment aggravates or mitigates the beneficiary's vulnerability. This can improve the targeting and tailoring of the assistance that is being provided to individuals and communities.

<sup>934</sup> This is mentioned by IOM Respondents. Compare also, e.g., Chaskin (2008) 73; Obrist, Pfeiffer and Henley (2010) 288; Mason and Pulvirenti (2013) 411; Flegar (2019a).

<sup>935</sup> Craig and Lovel (2005) 133.

Hence, to mitigate several of the above-mentioned risks, professional individual assistance and community-focused empowerment should be combined. Yet, this approach should not be viewed as a substitute for state (or other official) responsibility but should go hand in hand with state(-like) institutions' active engagement with, and support of, communities.<sup>936</sup> This can further improve the transformative potential of a vulnerability focus in basic assistance policies.

#### 14.4. CONTRIBUTION TO NORMATIVE DEBATES ON VULNERABILITY IN HUMAN RIGHTS THEORY

The main contribution to the literature on vulnerability and human rights can be found in Chapters 2 and 3 and in the above sections: these chapters and sections identify starting points for the transformative potential of a vulnerability focus in basic assistance policies. To complement these findings and arguments, this section reflects upon the content and meaning of vulnerability in normative human rights theory.

As became clear throughout this study, the transformative potential of vulnerability is closely related to the way in which vulnerability is assessed and addressed in specific situations. Hence, context is crucial and the transformative potential of vulnerability does not necessarily have to lie in how the notion is understood.<sup>937</sup> Nevertheless, some understandings of vulnerability are likely to be more conducive to the notion's transformative potential for substantive equality in the migration context than others. Although this was not the primary focus of this study, this section therefore concludes with some reflections on this issue.

In so doing, this section moves again one step further away from the case studies and towards the normative debate. As already mentioned in the previous section, the normative starting points and interests of this study require an elaboration of these arguments in order to contribute to the normative debate on the transformative potential of vulnerability. The below arguments can therefore not be directly linked to specific empirical findings but should be read as normative propositions that were merely inspired by the case studies.

The section argues that the above arguments point to a particular understanding of vulnerability – namely: relational vulnerability – as promising middle ground between normative ideal and policy practice on vulnerability. The section starts with a short reflection on the relevance of the link between vulnerability and the human embodiment (14.4.1). The section then highlights why two understandings of vulnerability, universal and group-based vulnerability, are less promising for the notion's transformative potential as discussed in this study (14.4.2). Subsequently, the section elaborates on the key characteristics and added value of understanding vulnerability as relational (14.4.3).

<sup>936</sup> Compare, e.g., Fineman (2008) 19–21; Bourbeau (2015) 388.

<sup>937</sup> Compare also Section 3.1.

#### 14.4.1. VULNERABILITY AND THE HUMAN EMBODIMENT

The vulnerability assessments analysed in this study primarily focus on the weaknesses of the human body: embodied characteristics like sex, age, health and disability are central determinants of vulnerability in these assessments. This is understandable since the assessments originate in the humanitarian context and, in being linked to the provision of basic assistance, have the underlying objective to ensure the survival and mitigate the suffering of beneficiaries.<sup>938</sup>

This link between vulnerability and the human embodiment is also prominent in normative human rights theory on vulnerability.<sup>939</sup> Nevertheless, where non-citizens are concerned, this focus on the human embodiment falls short for at least two reasons: contextuality and uprootedness.<sup>940</sup>

Contextuality: First, the transformative potential of a vulnerability focus depends on the context in which the vulnerability notion is employed. The vulnerability related to the human embodiment might be crucial to ensure survival and mitigate suffering in the most devastating circumstances. Yet, it might be less directly relevant for basic assistance policies that seek to provide assistance beyond the most immediate and short-term needs. For instance, elderly men might be more vulnerable during a famine, war or health crisis because their bodies are weaker than the bodies of younger men. In such situations, embodied vulnerability can provide a useful indication of who requires assistance most urgently. However, the same embodiment-based distinction is less useful in other contexts: the larger amount of previous life experience, for instance, can make elderly men less vulnerable in less immediate-survival-focused circumstances (e.g. when entering into a business relationship). Hence, the embodied aspects of vulnerability are not equally relevant in all circumstances. Mackenzie therefore distinguishes between dispositional and occurrent vulnerability: whether or not an embodied vulnerability becomes actually relevant depends on the context and, related to this, on possible other sources of vulnerability that make this embodied vulnerability relevant in the first place.<sup>941</sup>

Uprootedness: Second, embodied vulnerability becomes primarily relevant if there are no mitigation mechanisms in place to counteract this vulnerability.<sup>942</sup> The social and societal conditions within which non-citizens find themselves are crucial when seeking to understand, and mitigate, vulnerability in the migration context. One such condition stands out as particularly relevant: uprootedness. Personal feelings of uprootedness as well as lacking social ties in a transit or destination country can incapacitate a person's

<sup>938</sup> Compare, e.g., Jaspars and Shoham (1999). Compare also Sections 1.3 and 1.7.5.

<sup>939</sup> Compare, e.g., Fineman (2008) 9; Turner (2006) 9.

<sup>940</sup> Mackenzie is similarly critical of the emphasis that some scholars place on embodied vulnerability. Compare Mackenzie (2013) 37–38.

<sup>941</sup> Mackenzie (2013) 39.

<sup>942</sup> Mackenzie (2013) 38.

ability to act.<sup>943</sup> Personal feelings of uprootedness include, for instance, feelings of isolation and alienation and can be linked to capacities like language skills and cultural adaptability.<sup>944</sup> Social uprootedness means that non-citizens might lack the necessary social ties that can serve as a safety net to mitigate embodied vulnerability: in a foreign country and without knowing anyone, many issues are usually much more challenging to solve. This is also why diaspora communities play an important role for many non-citizens.<sup>945</sup> In essence, diasporas diminish a non-citizen's uprootedness and thereby serve as factors of resilience that can mitigate a non-citizen's embodied vulnerability. The exact factors and effects of a non-citizen's uprootedness depend on the specific country context and on the individual situation of the non-citizen. Yet, uprootedness is a, if not the, key factor in the vulnerability of non-citizens. Diverting attention from this fact by focusing primarily on embodied vulnerability therefore likely limits the effectiveness of measures aimed at mitigating the vulnerability of non-citizens.

When it comes to non-citizens, a focus on embodied vulnerability thus inhibits the transformative potential of vulnerability for substantive equality. In light of these arguments, this study views the value of the vulnerability notion for substantive equality in the migration context primarily in the notion's emphasis on the social embeddedness of individuals and less in the notion's focus on the human embodiment. This understanding is best reflected by a relational understanding of vulnerability.

#### 14.4.2. THE LIMITS OF UNIVERSAL AND GROUP-BASED VULNERABILITY APPROACHES

This section shortly reflects on two prominent approaches to vulnerability in the human rights discourse: 1) the understanding of vulnerability as universal and 2) the understanding of vulnerability as linked to particular groups. The section shortly outlines why these understandings of vulnerability appear less promising for substantive equality in the migration context than an understanding of vulnerability as relational.

Universal Vulnerability: The understanding of vulnerability as universal is primarily linked to the human embodiment and relies on this human embodiment to argue that vulnerability is universally shared by all human beings.<sup>946</sup> Several arguments can be brought against this understanding of vulnerability but it goes beyond the scope of this study to discuss all of these arguments.<sup>947</sup> As already indicated in the previous section, the primary focus on the human embodiment is at least somewhat problematic in the

<sup>943</sup> Compare, e.g., David Mechanis and Jennifer Tanner, 'Vulnerable People, Groups, And Populations: Societal View' [2007] 26(5) Health Affairs 1220, 1228.

<sup>944</sup> While personal feelings of uprootedness are related to the human embodiment, they deserve separate attention as they are of a mental, rather than of a physical, nature.

<sup>945</sup> Compare also Section 2.3.2.

<sup>946</sup> Compare, e.g., Turner (2006) and Fineman (2013).

<sup>947</sup> For some critical literature see, e.g., Brown (2013); Mackenzie (2013) 35, 45–47.

migration context. In addition, the most directly relevant issue with understanding vulnerability as universal is the fact that this primarily reflects a normative ideal. In practice, however, some human beings are clearly more vulnerable than others. Such an ideal might thus be useful for advocacy efforts but remains of limited value for the implementation of actual policies. Biggs and Jones, for instance, find that an understanding of vulnerability as universal encourages a paternalistic attitude that treats everyone alike, denies autonomy and, in so doing, can make persons more, rather than less, vulnerable.<sup>948</sup> Understanding vulnerability as a universal characteristic and negating the need to actually identify a potential beneficiary's individual vulnerability can therefore have counterproductive effects when implemented into actual laws and policies. Moreover, in dismissing the need to identify individual vulnerability, universal vulnerability shifts the intervention focus to structural change.<sup>949</sup> While this emphasis on structural change is important, it is insufficient for contributing to substantive equality in the migration context: as mentioned in Chapter 2, state sovereignty frequently hinders the tackling of these structural issues when it comes to the human rights of non-citizens. In over-emphasising state responsibility and structural deficits, the understanding of vulnerability as universal thus neglects the role which individual assistance and other (e.g. community-empowerment-focused) policies can play in pragmatically circumventing the fact that states are reluctant to directly provide assistance to non-citizens. Hence, the universal vulnerability approach's practical utility for the realisation of universal human rights in the migration context remains limited.<sup>950</sup>

Vulnerable Groups: Another prominent approach to vulnerability in the human rights discourse is the understanding of vulnerability as linked to different vulnerable groups.<sup>951</sup> At first sight, the distinction of persons into different vulnerable groups might provide a pragmatic alternative to the abstract normative ideal of universal vulnerability: conceptualising vulnerability on the basis of different vulnerable groups allows for a more concrete identification and targeting of the persons that should receive assistance. However, the group-based vulnerability approach has repeatedly been found to be stigmatising, paternalistic and isolating which is why it is often considered as counterproductive for substantive equality.<sup>952</sup> Flegar and Iedema therefore argue that, while the group-based vulnerability approach should not be dismissed *a priori*, its stigmatising and stereotyping tendencies should be minimised in order to maximise the approach's potential for substantive equality. This would require "1) the identification of vulnerability in relation to a specific context; 2) a clear explanation

<sup>948</sup> Mackenzie (2013) 35, 45–47; Biggs and Jones (2014).

<sup>949</sup> Compare Fineman (2013) 16.

<sup>950</sup> Compare also, e.g., Kohn (2014).

<sup>951</sup> Such group-based vulnerability approaches are very common in law and policy. See, e.g. Morawa (2003), Chapman and Carbonetti (2011); Peroni and Timmer (2013); Ivona Truscan, *The Notion of Vulnerable Groups in International Human Rights Law* (PhD Thesis, Geneva Graduate Institute of International and Development Studies 2015); Flegar (2018).

<sup>952</sup> Compare, e.g., Brown (2011); Peroni and Timmer (2013); Fineman (2013).

of the reasons for why [a] group is deemed vulnerable in the specific context; and 3) attention to the structural elements that hinder the resilience-building of the specific group”.<sup>953</sup> Hitherto, this nuance largely remains to be desired and frequently gets lost in a simplified overuse of the familiar group-based vulnerability categories that are linked to the human embodiment (most frequently: women, children, the elderly and disabled persons). Hence, the practical utility of group-based vulnerability remains limited when it comes to the realisation of universal human rights in the migration context.

14.4.3. SOCIAL EMBEDDEDNESS AND RELATIONAL VULNERABILITY

In light of the above arguments, this study proposes that a relational approach to vulnerability best serves the notion’s transformative potential for substantive equality in the migration context. Understanding vulnerability as relational prioritises the social embeddedness of the individual. In so doing, the approach recognises the contextuality of vulnerability and the importance of uprootedness when it comes to non-citizens. In light of these arguments and the findings from both case studies, the present study proposes to rely on the following typology of relational vulnerability that is depicted in Figure 3 below:

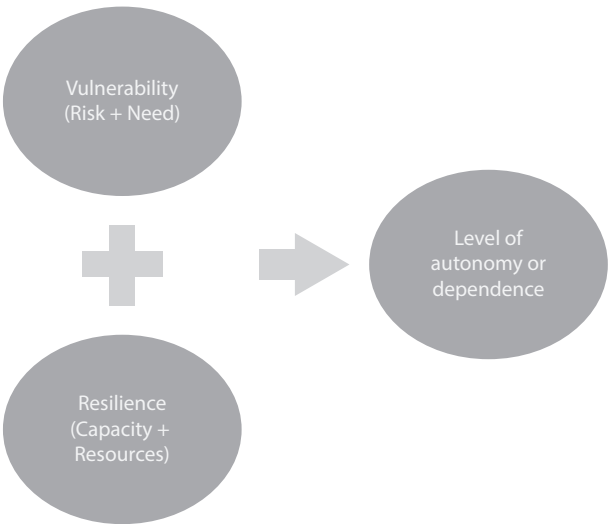


Figure 3: Typology of Relational Vulnerability

In this typology, vulnerability and resilience exist as gradations of each other. Vulnerability is defined as the *threat* of dependency and is therefore both risk- and

<sup>953</sup> Flegar and Iedema (2019), 40.

needs-related. In this respect, the concept of needs focuses on what is needed to survive, protect oneself and, ultimately, thrive. In line with what respondents across both case studies emphasise and what is part of both organisations' vulnerability assessments, risks should be defined as contextual (socio-political, cultural, personal) threats that can be aggravated if these needs are not sufficiently met.<sup>954</sup> Resilience, on the other hand, is related to the *promise* of autonomy. As already mentioned in Chapter 2, autonomy is "the real and effective capacity to develop and pursue one's own conception of a worthwhile life" and "is only achievable under socially supportive conditions".<sup>955</sup> As such, it is the result of the combined embodied, economic and social capacities and resources that can protect against dependency.<sup>956</sup> An individual person's (perceived) level of dependency or autonomy is thus the result of a person's ability to provide for their needs and defend against risks on the basis of these capacities and resources.

Relational vulnerability considers some aspects of vulnerability as "inherent in the human condition" but emphasises that these aspects are reinforced or even initiated "by life in society" and that these aspects can increase inequalities.<sup>957</sup> Mackenzie, for instance, holds that vulnerability is "both universal and context specific, both inherent to the human condition yet always already shaped by social and political relationships and institutions".<sup>958</sup> Misztal specifically encourages "studying people's present relations with others, by exploring the risks people face and by examining the past forces and factors behind the formation of their personhood" in order "to develop the notion of vulnerability as a multidimensional and cumulative concept that refers to objective risks or deprivation and their subjective assessments by individuals".<sup>959</sup> In essence, relational vulnerability thus underlines that an individual's vulnerability arises in a complex relationship of societal ties and dependencies.<sup>960</sup> Relational vulnerability focuses on different gradations of vulnerability and resilience instead of posing 'the vulnerable' against the 'not vulnerable'. The approach therefore not only focuses on dependencies but also on capacities that can foster (or limit) an individual's autonomous decision-making.<sup>961</sup> This facilitates a nuanced assessment of capacities, resources, risks and needs and helps to identify the root causes of a beneficiary's vulnerability.<sup>962</sup>

Overall, this study suggests that this relational vulnerability approach provides a balanced middle ground between what is normatively desirable and what is practically feasible. The complexity and heterogeneity of human beings and their socio-cultural context means that there is no one-size-fits-all solution. In order for the above-

<sup>954</sup> Jaspars and Shoham (1999) 363. Compare also Mackenzie (2013) 38–39.

<sup>955</sup> Anderson and Honneth (2004) 130.

<sup>956</sup> Other authors suggest additional aspects. See, e.g., Fineman (2013) 22–24. On autonomy compare also Mackenzie (2013) 34.

<sup>957</sup> Misztal (2011) 46.

<sup>958</sup> Mackenzie (2013), 55–56.

<sup>959</sup> Misztal (2011) 45–46. Compare also, e.g., Samia Hurst, 'Vulnerability in Research and Health Care: Describing the Elephant in the Room?' [2008] 22(4) *Bioethics* 191–194.

<sup>960</sup> Compare, e.g., Trnka and Trundle, (2014) 139; Mounk (2017) 11, 172.

<sup>961</sup> Mackenzie (2013) 42–56.

<sup>962</sup> Mackenzie (2013) 42–56.



proposed combination of professional individual assistance and community-focused empowerment to make a sustainable contribution to the realisation of universal human rights, such a policy must be informed by a deeper understanding of individuals and their social interaction.<sup>963</sup> The above typology of relational vulnerability can strengthen such a deeper understanding of individuals and their social interaction in the migration context. Yet, the origin, specific content and effect of this typology – as well as whether and to what extent the typology is also applicable to other contexts – remain for future studies to investigate.<sup>964</sup>

## 14.5. BEYOND HUMAN RIGHTS?

Lastly, this chapter returns to the dilemma between state sovereignty and universal human rights that was mentioned at the beginning of Chapter 2: can the vulnerability notion contribute anything to mitigate this dilemma? Once again, the answer to this question is based on normative-theoretical arguments and merely inspired by the two case studies.

The vulnerability notion is unlikely to transcend the boundaries of citizenship: the primary state interest to determine the membership in its political community remains fundamentally opposed to the realisation of universal human rights. Some might therefore oppose the individualistic nature of human rights altogether and view universal vulnerability as an alternative approach. This study does not seek to go that far.

Instead, the study argues that the vulnerability notion can facilitate the implementation of human rights by starting from a more complex understanding of human beings as socially embedded individuals (see Section 14.4). This facilitates empirically-grounded approaches to mitigating discrimination and exclusion. Vulnerability (if addressed and understood as proposed above) can draw attention to the root-causes, rather than merely to the symptoms, of discrimination, marginalisation, disadvantage and exclusion. This contributes to a sociological understanding of human rights and to substantive equality in the migration context. This means that the vulnerability notion can be conducive to the realisation of universal human rights despite the state sovereignty dilemma in at least two ways: 1) by strengthening social resilience and 2) by recognising social belonging.

**Social Resilience:** Discrimination, marginalisation, disadvantage and exclusion are structural issues that need to be addressed comprehensively. The vulnerability notion can deepen the understanding of the structural nature of these issues and facilitate changes in social and societal structures such as families, communities, organisations

<sup>963</sup> Compare also, e.g., Fionnuala Ni Aolain, 'Women, Vulnerability, and Humanitarian Emergencies' [2011] 18(1) *Michigan Journal of Gender and Law* 8–9; Bielefeld (2018) 19; Flegar (2019a).

<sup>964</sup> Belinda Bennett and Terry Carney, 'Vulnerability' in Michael Freeman, Sarah Hawkes and Belinda Bennett (eds., 2014) 129.

and state institutions. The vulnerability notion therefore supports the sociological view that “individual rights are constructed by and in society; the individual and the social are mutually constitutive of one another, rather than the individual being ontologically prior to the social”.<sup>965</sup> In so doing, the notion draws attention to alternative pathways for the realisation of universal human rights through strengthened social ties and informal networks. This social resilience can (and often already does) provide an alternative social safety net for those non-citizens without access to formal state assistance and benefits.

Social Belonging: Non-citizens are rarely completely excluded from the political community but often participate informally. The vulnerability notion’s emphasis on social and societal ties questions the foundations for belonging to a political community. Even without legal status, the hopes and sorrows of non-citizens resemble those of most people: making a living, caring for their families, celebrating happy moments and mourning the dead.<sup>966</sup> Socio-economic exclusion is therefore not necessarily a permanent consequence of uprootedness and legal/political exclusion. The vulnerability notion underscores this social reality and therefore questions the justifiability of excluding fully participating social citizens from other forms of citizenship. This underlines the gradations in citizenship that can blur the hard boundaries of legal status-based exclusion.<sup>967</sup> In emphasising these “broader societal preconditions for human rights”, the vulnerability notion therefore contributes to Arendt’s vision of truly ‘human’ human rights (see Chapter 2).<sup>968</sup>

The vulnerability notion’s emphasis on social ties highlights that the realisation of universal human rights is a complex process with a multitude of gradations. Hence, although the vulnerability notion might not *prima facie* transcend legal status-based exclusion, a relational understanding of the notion, paired with professional individual assistance and community-focused empowerment, can at least mitigate part of the consequences of, and question the rationales for, this exclusion.

## 14.6. POLICY AND RESEARCH RECOMMENDATIONS

Many of the above arguments are not entirely new. This study’s added value lies in the attempt to integrate these earlier suggestions in a way that is somewhat coherent, normatively desirable from a universal human rights perspective and pragmatically feasible to implement in policy practice. The main recommendation of this study is therefore that both future policies and research should focus on integrating, unifying and streamlining existing approaches within and across policy sectors and academic

<sup>965</sup> Madsen and Verschraegen (2013) 8–9.

<sup>966</sup> Compare, e.g., Fabio Macioce, ‘Undocumented Migrants, Vulnerability and Strategies of Inclusion: A Philosophical Perspective’ [2018] 25 *Constellations* 87.

<sup>967</sup> On these gradations compare, e.g., Lieneke Slingenberg, *The Reception of Asylum Seekers under International Law: Between Sovereignty and Equality* (Hart 2014) 7–8.

<sup>968</sup> Madsen and Verschraegen (2013) 10–11; Arendt (1958) 299–302.

fields. Although there might be a large variety of possible recommendations, this study limits itself to three policy and three research recommendations that relate to this call for the integration of existing knowledge. These recommendations are based on the study as a whole and therefore integrate normative arguments and empirical findings.

#### 14.6.1. POLICY

Humanitarian, development and social policies share many similar issues when it comes to the provision of basic assistance. This is an important realisation for the migration context since non-citizens might be subject to either of the three: in camps and during the first crisis response many non-citizens (especially refugees and asylum seekers) become subjects of humanitarian policies. In protracted crisis situations, or due to the increasing emphasis on “the root causes of migration”, non-citizens can become subjects of development policies. Lastly, after having acquired some form of legal status (or, at least, after having arrived in a country that offers some support to non-citizens), non-citizens become subjects of social policies. Hence, the three recommendations below are kept at such a level that they can be potentially relevant to either of these three policy contexts.

The first and primary policy proposal of this study obviously relates to the above-described combination of professional individual assistance and community-focused empowerment. To summarise once more, a basic assistance policy that seeks to contribute to substantive equality should focus on the strengthening, empowerment and resilience-building of communities, social bonds and societal institutions. To mitigate the risks of such an approach, to lower the access barrier, to connect the dots and to fill the gaps, this community-focused empowerment should go hand in hand with professional individual assistance that has due regard to the interpersonal dynamics between case workers and potential beneficiaries. The combination of community-focused empowerment and professional individual assistance should be grounded in a relational understanding of vulnerability.

Second, the assessment of vulnerability should not only serve to assist individual beneficiaries but should also inventory dependencies and structural deficits that can be addressed through different measures (e.g. advocacy or programming) and at various intervention levels (e.g. at the household, community, society, state and/or international level). Vulnerability assessments can be particularly rich and comprehensive sources of data for evidence-based policies. Hence, they can help to ensure that the respective policies focus on the core issues and address the root-causes of vulnerability. Instead of being viewed as separate and isolated interventions, basic assistance policies should therefore be integrated and developed in comprehensive programmes and projects that address different intervention levels simultaneously and in a mutually reinforcing manner. This means that such a design must anticipate potentially detrimental effects between interventions at different levels: the efforts to advocate for migrant rights might, for instance, lead to a state curtailing the access of these migrants to the state’s

territory and the strengthening of social institutions might divert attention from the structural deficits that cause or aggravate non-citizen vulnerability.

Third, to avoid duplication as well as gaps in the assistance provision, policies should focus on increased coordination between different actors, formal referral mechanisms and awareness about the work of the different assistance providers. This means that specific vulnerability-focused inter-agency coordination groups at country and sector level should be established to discuss 1) who the most vulnerable are in the specific sector and context, 2) how vulnerability should be assessed and addressed and 3) how coherence across, and referral between, assistance providers can be ensured. These efforts should build on the acknowledgement that there is no single way of assessing and addressing vulnerability in different contexts but that, depending on the policy objective and specific issues, different approaches are needed. At the implementation level, this could be complemented by inter-agency case management meetings to discuss the specific issues of beneficiaries, as well as referral and follow-up, to ensure the most vulnerable are not falling between the cracks.

#### 14.6.2. RESEARCH

The present study focused on the migration context but many findings are likely to also play a role in different contexts. Hence, it would be valuable for future research to expand into those directions.

First, more empirical research on the practical feasibility of normative proposals for policy change would be desirable. This could help such normative proposals to have actual transformative potential in policy practice. It could, for instance, be useful to evaluate the empirical effectiveness of the different administrative justice and activation approaches identified and proposed in this study. For this purpose, perceptions among beneficiaries about the outcome and procedure of vulnerability assessments should be a prominent consideration. Such research could also seek to measure the actual effect of different ways of assessing and addressing vulnerability for the different dimensions of the vulnerability notion's transformative potential. Moreover, this should also include large-scale, multi-country studies with different types of beneficiaries to collect data on what aggravates and/or mitigates vulnerability in different contexts and at different policy levels.<sup>969</sup> Such empirical evidence could help to bridge the gap between overly abstract academic critique and insufficiently contextualised evidence-based policy.

Second, it seems like much can still be gained from interdisciplinary, policy and socio-legal research on human rights. Human rights are political tools. To foster the actual realisation of human rights, due attention should therefore be paid to the implementation, rather than to the abstract, individualised and limited enforcement

<sup>969</sup> For an example of such a study on migrant vulnerability in relation to health care see, e.g., Kathryn Derose and Jose Escarce, 'Immigrants and Health Care: Sources of Vulnerability' [2007] 26(5) *Health Affairs* 1258–1268.

or justiciability, of human rights. In this respect, research on human rights activism, social movements and grassroots empowerment is of fundamental importance. This research must start from understanding the individual in its social surrounding. In the migration and development context, the most vulnerable are often not able to participate and/or claim their rights. Hence, this type of research on human rights could, for instance, focus specifically on the merits and pitfalls of community-focused empowerment for the capacity of the most vulnerable to voice their issues and concerns.

Third, it would be important to conduct more integrated public administration and International Relations research on international organisations and, specifically, on the role of these international organisations in the realisation of human rights. In this context, the role, value and effect of human rights as political and advocacy tools deserves particular attention. Moreover, more empirical (participant observation) research on the functioning of international organisations would be highly desirable to better understand the effect of different organisational structures and cultures on (human rights-related) policy outcomes. Such research should consider UN agencies not only through a critical lens but also with the intention of identifying best practices that could provide inspiration to other (national) assistance providers. A better comprehension of the internal culture, structure and operation of international organisations can contribute to evaluating, challenging and developing more effective international policies.

## 14.7. FINAL REMARKS

The suggestions in this study cannot resolve the conflict between state sovereignty and universal human rights that was identified in Chapter 2. However, this concluding chapter sought to highlight how vulnerability-focused basic assistance policies might nevertheless be able to mitigate some of the consequences of this conflict. Whether or not this is desirable essentially remains a value judgment that, at its core, questions the relevance of universal human rights ideals altogether. This chapter defends the continued importance of universal human rights as a moral, legal and advocacy framework. Nevertheless, one should keep in mind that the realisation of universal human rights is likely to remain a challenging and lengthy process that, given resource constraints and political priorities, involves compromises and limitations.

In light of this ‘reality check’, it might be desirable to shift the emphasis from theoretical entitlements to actual needs/risks – especially when it comes to socio-economic human rights. To recall a reply by one of the respondents at UNHCR:

“I think rights should be needs-based. I know not all of them are but at least the major rights. Refugee law is focused also on the needs of refugees, international humanitarian law is

focused on also the needs of countries in terms of humanitarian crises. So it should always be needs-based”.<sup>970</sup>

This does not mean substituting one for the other. Instead, normative-theoretical entitlements and actual needs/risks must complement each other. Actual needs/risks are important for normative-theoretical entitlements because “[u]nless human rights are grounded in something that is both universal and objectively valuable, they are not easily translated from theory into practice”.<sup>971</sup> Simultaneously, actual needs/risks should be linked to normative-theoretical entitlements because “unlike ‘rights’, ‘needs’ [and risks] do not produce duties”.<sup>972</sup>

The vulnerability notion (as understood in this study) could link normative-theoretical entitlements and actual needs/risks because it combines 1) an entitlement-focused normative emphasis on substantive equality and 2) practical tools that can help to target policies towards the most vulnerable (and therefore towards actual need/risk). This combination can help to ground human rights both in a normative-theoretical entitlement framework and in an evidence-based reality.<sup>973</sup>

In the end, however, the realisation of universal human rights remains a utopian ideal that is worthwhile striving for but unlikely to be achieved in the near future. It is not possible to resolve all states and sources of vulnerability. Instead, we might sometimes even “knowingly and intentionally impose conditions of vulnerability” upon ourselves or others.<sup>974</sup> This study is thus merely an attempt to provide inspiration to policy and research and extends an invitation to further engage with the benefits and pitfalls of such proposals. To conclude, “all important problems are insoluble: that is why they are important. The good comes from the continuing struggle to try and solve them, not from the vain hope of their solution”.<sup>975</sup>

<sup>970</sup> Transcript, UNHCR Respondent 8.

<sup>971</sup> Rita Floyd, ‘Why We Need Needs-based Justifications of Human Rights’ [2011] 7(1) *Journal of International Political Theory* 113.

<sup>972</sup> Floyd (2011) 113.

<sup>973</sup> Floyd (2011) 104. Compare also Catriona Mackenzie, Wendy Rogers and Susan Dodds, ‘Introduction: What is Vulnerability and Why Does it Matter for Moral Theory?’ in Mackenzie, Rogers and Dodds (eds., 2013) 12–13.

<sup>974</sup> Mianna Lotz, ‘Vulnerability and Resilience: A Critical Nexus’ [2016] 37 *Theoretical Medicine and Bioethics*, 45.

<sup>975</sup> Arthur Schlesinger, *The Vital Center: The Politics of Freedom* (Houghton Mifflin, 1949), 254. Cited in Chaskin (2008) 72–73. Cited in Flegar (2019a) 187.

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## SAMENVATTING

De term ‘kwetsbaarheid’ wordt vaak genoemd in recht en beleid om te verwijzen naar achtergestelde, gemarginaliseerde of uitgesloten mensen. Labels zoals ‘in een kwetsbare situatie’ zijn, onderdeel zijn van ‘een kwetsbare groep’ of gewoon ‘kwetsbaar zijn’ worden gebruikt door beleidsmakers, mensenrechtenactivisten en anderen wanneer zij proberen om onzekerheid, tegenspoed, lijden en onrecht aan te pakken. Waarom zijn we zo gefascineerd door deze term en de implicaties ervan? Welk doel en effect kan een expliciete verwijzing naar kwetsbaarheid hebben? Verbeterd een focus op kwetsbaarheid daadwerkelijk de situatie van de meest achtergestelden en uitgesloten? Zo ja, hoe en onder welke omstandigheden?

Dit zijn slechts enkele vragen die mijn interesse hebben gewekt voor kwetsbaarheid en die tot dit onderzoek hebben geleid. Wetenschappers in de vakgebieden van de mensenrechten en het sociaal beleid verschillen van mening over de toegevoegde waarde van de kwetsbaarheidsnotie. Sommigen beargumenteren dat een focus op kwetsbaarheid een ‘transformatief potentieel’ heeft, omdat het ervoor zorgt dat beleid “gehoor geeft aan degenen die zijn achtergesteld, vernederd, uitgesloten of genegeerd” en zodoende bijdraagt aan substantiële gelijkheid.<sup>976</sup> Anderen, daarentegen, suggereren dat een focus op kwetsbaarheid ook paternalistische en controlerende effecten kan hebben die contraproductief kunnen zijn voor substantiële gelijkheid.<sup>977</sup> Dit roept de vraag op of, en in welke mate, de kwetsbaarheidsnotie in normatieve theorieën en een praktische beleidsfocus op kwetsbaarheid elkaar kunnen aanvullen of tegenspreken.

Om dit vraagstuk te doorgronden, richt deze studie zich op de kwetsbaarheidsfocus in bijstandsbeleid voor basisbehoeftes van niet-burgers van het Hoog Commissariaat voor de Vluchtelingen van de Verenigde Naties (UNHCR) en de Internationale Organisatie voor Migratie (IOM) in Khartoem, Soedan in 2017 – 2018.

Waarom de focus op niet-burgers? Niet-burgers worden meestal ingedeeld in categorieën zoals vluchtelingen, arbeidsmigranten, asielzoekenden of ongedocumenteerden. In het publieke discours impliceren sommige van deze categorieën (bijv. vluchtelingen) vaak een hogere mate aan kwetsbaarheid dan andere

<sup>976</sup> Sandra Fredman, ‘Revisiting Substantive Equality’ [2016] 14(3) International Journal of Constitutional Law 713. Vergelijk ook, bijv., Martha Fineman, ‘The Vulnerable Subject: Anchoring Equality in the Human Condition’ [2008] 20(1) Yale Journal of Law and Feminism 1–23; Martha Fineman en Anna Grear (red.), *Reflections on a New Ethical Foundation for Law and Politics* (Ashgate 2013).

<sup>977</sup> Vergelijk, bijv., Kate Brown, ‘Vulnerability: Handle with Care’ [2011] 5(3) Ethics and Social Welfare, 315–316 en Lourdes Peroni en Alexandra Timmer, ‘Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law’ [2013] 11(4) International Journal of Constitutional Law 1072–1073.



categorieën (bijv. arbeidsmigranten). Echter, omdat het in al deze gevallen niet-burgers betreft, ontbreekt voor *alle* categorieën een bepaalde mate aan bescherming die burgers wel hebben. Dit kan de kwetsbaarheid van niet-burgers vergroten voor risico's zoals armoede, uitbuiting en geweld.

Precies omdat niet-burgers niet de nationaliteit hebben van het land waarin zij verblijven, wordt deze kwetsbaarheid vaak niet (h)erkend en worden niet-burgers slechts terughoudend ondersteund. Burgerschap staat het staten toe om onderscheid te maken tussen mensen die alle rechten hebben en mensen wiens rechten beperkter zijn. Burgerschap is daarom grotendeels universeel binnen een politieke gemeenschap, omdat alle burgers als gelijkwaardig worden beschouwd en hun rechten volledig worden beschermd. Tegelijkertijd is burgerschap exclusief buiten diezelfde politieke gemeenschap, omdat niet-burgers meestal in verschillende mate buitengesloten blijven en aan specifieke criteria moeten voldoen om (gedeeltelijke) toegang te verkrijgen tot deze rechten.<sup>978</sup> Dit systeem kan alleen bestaan indien er daadwerkelijk een scheiding is tussen de binnenkant en de buitenkant van een politieke gemeenschap.<sup>979</sup> Buitenstaanders uitsluiten wordt daarom over het algemeen geaccepteerd als een nodige voorwaarde om universele rechten te kunnen verlenen binnen een politieke gemeenschap.

De (gedeeltelijke) uitsluiting van niet-burgers onderstreept dat mensenrechten niet in gelijke mate gerealiseerd worden voor alle mensen. Vanuit een mensenrechtenperspectief is dit problematisch omdat mensenrechten, ten minste in theorie, opgevat worden als universeel en dus van toepassing zijn op alle mensen – onafhankelijk van nationaliteit, juridische status of verblijfsplaats. Daarnaast komt de (gedeeltelijke) niet-realisatie van de mensenrechten van niet-burgers niet overeen met het bovengenoemde beginsel van substantiële gelijkheid. Dit maakt het belangrijk om de onderzoeksfocus op niet-burgers te richten.

Waarom de focus op UNHCR en IOM? Landen zoals het focusland van deze studie, de Republiek Soedan, worstelen ermee (of zijn niet bereid) om de mensenrechten van hun eigen burgers te verwezenlijken – laat staan de mensenrechten van niet-burgers. Met, op het moment van onderzoek, een geschatte vluchtelingenpopulatie van meer dan 1 miljoen mensen en een onbekend aantal andere migranten wordt in zelfs de meest elementaire mensenrechten (zoals de rechten op voedsel, onderdak en gezondheidszorg) van deze niet-burgers vaak niet voorzien. In dergelijke situaties neemt de internationale gemeenschap de bescherming of ondersteuning van deze niet-burgers meestal (gedeeltelijk) op zich. Specifiek gaat het daarbij vaak om de Verenigde Naties en haar uitvoerende agentschappen.<sup>980</sup>

<sup>978</sup> Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton University Press 2006) 4. Deze studie beschouwt een politieke gemeenschap als de “nationale gemeenschap: de gemeenschap die het product is van de politieke associatie die de staat is”. Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (Oxford University Press 2003) 180.

<sup>979</sup> Bosniak (2006) 4.

<sup>980</sup> Ervan uitgaand dat het land in kwestie deze ondersteuning door de internationale gemeenschap toelaat.



De internationale gemeenschap lijkt bereid om humanitaire hulp te verlenen om niet-burgers in de meest onzekere situaties te beschermen en te ondersteunen. UNHCR en IOM zijn de twee voornaamste internationale organisaties die proberen te voorzien in dergelijke grootschalige ondersteuning voor niet-burgers. Een manier waarop de twee organisaties deze ondersteuning verlenen is door bijstandsbeleid voor basisbehoeftes dat gebruik maakt van zogenaamde ‘kwetsbaarheidsbeoordelingen’ om de meest hulpbehoevende niet-burgers te identificeren en te helpen. Deze kwetsbaarheidsbeoordelingen vormen inzichtelijke casussen voor een analyse of, en in welke mate, een kwetsbaarheidsfocus in bijstandsbeleid voor basisbehoeftes een transformatief potentieel heeft (of kan hebben) voor de verwezenlijking van universele mensenrechten.

Waarom de focus op bijstandsverleners? Deze studie ziet mensenrechten als brede, sociaal ingebedde fenomenen wiens verwezenlijking niet alleen afhangt van hun juridische functie en inhoud maar ook, en mogelijk zelfs nog meer, van hun praktische implementatie door een diverse reeks actoren.<sup>981</sup> In het licht van deze sociologische opvatting van mensenrechten richt het onderzoek zich niet op een specifiek mensenrecht zoals deze zijn vastgelegd in het internationale juridische mensenrechtenkader. In plaats daarvan onderzoekt de studie het transformatieve potentieel van kwetsbaarheid voor het bredere mensenrechtenprincipe van substantiële gelijkheid, voorbij de grenzen van een meer legalistische opvatting.

Hierbij richt de studie zich op bijstandsverleners, op het beleid dat zij maken en implementeren en op de organisaties waarin zij opereren. ‘Bijstandsverleners’ zijn gedefinieerd als personen die betrokken zijn bij beleidsvorming op de meest praktische niveaus, en bij de direct implementatie van het kwetsbaarheids-gebaseerde bijstandsbeleid in de twee casussen (d.w.z. *front-line* medewerkers en hun directe meerderen). Deze beleidsuitvoerders zijn de eerste poortwachters in het verlenen van basisondersteuning en spelen daarom een belangrijke rol in het verwezenlijken van mensenrechten op de grond.<sup>982</sup>

## THEORETISCH KADER

Deze studie verstaat onder het transformatief potentieel van kwetsbaarheid het potentieel van de notie om mensenrechten(beleid) te sturen in de richting van substantiële gelijkheid, d.w.z. in de richting van beleid dat “gelokaliseerd is in de sociale context, [en] gehoor geeft aan degenen die zijn achtergesteld, vernederd, uitgesloten

<sup>981</sup> Barbara Oomen, ‘Global Governance, Human Rights and Humanitarianism’ in Robert Kloosterman, Virginie Mamadouh en Pieter Terhorst (red.), *Handbook on the Geographies of Globalization* (Edward Elgar 2018), 368.

<sup>982</sup> Vergelijk, bijv., Albert Jan Kruiter en Jorrit de Jong, ‘Providing Services to the Marginalized: Anatomy of an Access Paradox’ in Jorrit de Jong en Gowher Rizvi (red.), *The State of Access: Success and Failure of Democracies to Create Equal Opportunities* (Brookings Institution Press 2008) 168.

of genegeerd.<sup>983</sup> Het transformatieve potentieel van de kwetsbaarheidsnotie ligt in het onderstrepen van het idee dat mensenrechten niet alleen rechten van individuele personen zijn, maar ook een sociale component hebben die cruciaal is om te begrijpen en te adresseren.<sup>984</sup>

Om dit transformatieve potentieel te concretiseren, gebruikt dit onderzoek Fredman's vier dimensies van substantiële gelijkheid: 1) stereotypes adresseren, 2) participatie verbeteren, 3) achterstelling verhelpen en 4) verschillen accommoderen door structurele verandering te bewerkstelligen. Fredman beargumenteert dat deze vier dimensies essentiële voorwaarden zijn om substantiële gelijkheid te bereiken.<sup>985</sup>

Op basis van de bevindingen van de *case studies* bij UNHCR en IOM in Khartoem, en in het licht van de literatuur over het transformatieve potentieel van kwetsbaarheid, buigt deze studie zich over twee van deze vier dimensies, namelijk het transformatieve potentieel van de kwetsbaarheidsnotie voor 1) het mitigeren van stigmatisering en stereotypering (de eerste dimensie van substantiële gelijkheid) en voor 2) het faciliteren van sociaaleconomische participatie (de tweede dimensie van substantiële gelijkheid).<sup>986</sup> Om dit transformatieve potentieel te begrijpen, onderzoekt de studie de onderliggende invloeden (d.w.z. de administratieve dilemma's en contextuele beperkingen) op het ontwerp en de implementatie van de kwetsbaarheidsbeoordelingen in elke casus.

## Mitigeren van stigmatisering en stereotypering

De kwetsbaarheidsnotie kan bijdragen aan het verminderen van stigmatisering en stereotypering omdat kwetsbaarheid als universeel wordt beschouwd en hierdoor de categorisering van gemarginaliseerde en/of achtergestelde individuen in potentieel stigmatiserende en over-generaliserende groepen (bijv. vrouwen, gehandicapten of etnische minderheden) kan overstijgen.<sup>987</sup>

Dit is belangrijk voor substantiële gelijkheid omdat stigmatisering en stereotypering invloed kunnen hebben op hoe we onszelf waarnemen. Dit kan (negatieve) gevolgen hebben voor ons vermogen om actie te ondernemen. Deze studie gaat er daarom van uit dat gepaste aandacht voor de opvattingen, waarnemingen en capaciteiten van een potentiële begunstigde belangrijk zijn voor het tegengaan van stigmatisering

<sup>983</sup> Fredman (2016), 713.

<sup>984</sup> Vergelijk, bijv., Robert Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities* (University of Chicago 1985) 191. Geciteerd in Catriona Mackenzie, 'The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability' in Catriona Mackenzie, Wendy Rogers en Susan Dodds (red.), *Vulnerability: New Essays in Ethics and Feminist Philosophy* (Oxford University Press 2013) 38.

<sup>985</sup> Fredman (2016), 712. Voor een kritische reflectie op deze benadering zie, bijv., Catharine MacKinnon, 'Substantive Equality Revisited: A Reply to Sandra Fredman' [2016] 14(3) *International Journal of Constitutional Law* 739–746.

<sup>986</sup> Dit betekent niet per se dat de andere twee dimensies minder belangrijk zijn, maar slechts dat ze minder direct naar voren kwamen in de bevindingen van de *case studies*.

<sup>987</sup> Fineman (2013) 14–17.

en stereotypering. Om beter- en minder-geschikte maatregelen tegen elkaar af te wegen, maakt deze studie gebruik van het onderscheid tussen het bureaucratische en professionele model van administratieve rechtvaardigheid. In grote lijnen beschrijft het eerste model een focus op organisatiedoelinden terwijl in het tweede model de tevredenheid van de cliënt centraal staat.<sup>988</sup> Het onderzoek operationaliseert dit onderscheid in drie procedurele administratieve dilemma's die relevant zijn voor hoe een kwetsbaarheidsbeoordeling wordt ontworpen en geïmplementeerd. Deze procedurele administratieve dilemma's zijn niet elkaar uitsluitende of anderszins strikte tegenstellingen, maar vertegenwoordigen tendensen, waarbij het eerste aspect van elke tegenstelling geassocieerd wordt met het bureaucratisch model, terwijl het tweede aspect geassocieerd wordt met het professionele model: 1) rigiditeit – flexibiliteit, 2) haalbaarheid – volledigheid en 3) riskeren van onder-inclusiviteit – riskeren van over-inclusiviteit.

De studie beschouwt een benadering waarin de cliënt centraal staat (het professionele model van administratieve rechtvaardigheid) als veelbelovender voor het mitigeren van stigmatisering en stereotypering: het plaatst de begunstigde in het centrum van de bijstandsverlening en voorziet meer ruimte voor de opvattingen, waarnemingen en capaciteiten van de potentiële begunstigde in de kwetsbaarheidsbeoordelingsprocedure. Dit staat toe dat de beoordeling minder een bureaucratisch eenrichtingsmechanisme wordt voor classificatie en categorisering en eerder een gemeenschappelijk onderzoek in de diverse, en niet per se groeps-gerelateerde, oorsprongen van de kwetsbaarheid van een potentiële begunstigde.

## Faciliteren van sociaaleconomische participatie

Er wordt gesuggereerd dat de kwetsbaarheidsnotie kan bijdragen aan het faciliteren van sociaaleconomische participatie, omdat de notie de nadruk legt op de sociale context waarin mensen zich bevinden, en mensen beschouwt als onderdeel van een netwerk van diverse sociale relaties die de kwetsbaarheid van een persoon kunnen versterken of verminderen.<sup>989</sup>

Dit is belangrijk voor substantiële gelijkheid omdat “autonomie – de daadwerkelijke en effectieve capaciteit om een eigen opvatting van een waardevol leven te ontwikkelen en na te streven – alleen bereikbaar is onder sociaal gunstige condities”.<sup>990</sup> Deze

<sup>988</sup> Jerry Marshaw, *Bureaucratic Justice: Managing Social Security Disability Claims* (Yale University Press 1983); Michael Adler, 'A Socio-Legal Approach to Administrative Justice' [2003] 25(4) Law & Policy 329.

<sup>989</sup> Fineman (2013); Catriona Mackenzie, 'The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability' in Catriona Mackenzie, Wendy Rogers en Susan Dodds (red.), *Vulnerability: New Essays in Ethics and Feminist Philosophy* (Oxford University Press 2013) 36–39; Barbara Misztal, *The Challenges of Vulnerability: In Search for Strategies for a Less Vulnerable Social Life* (Palgrave Macmillan 2011) 58.

<sup>990</sup> Joel Anderson en Axel Honneth, 'Autonomy, Vulnerability, Recognition and Justice' in John Christman en Joel Anderson (red.), *Autonomy and the Challenges to Liberalism* (Cambridge Universit

studie gaat er daarom vanuit dat actieve inspanningen om de grondoorzaken van de kwetsbaarheid van een begunstigde tegen te gaan centraal staan in het faciliteren van sociaaleconomische participatie. Het onderzoek onderscheidt twee types aan dergelijke inspanningen: een type concentreert zich op de economische participatie (activering gericht op eigen verantwoordelijkheid) en een type richt zich op sociale participatie (activering gericht op *empowerment*). De studie operationaliseert dit onderscheid in drie inhoudelijke administratieve dilemma's die relevant zijn voor het ontwerp en de implementatie van een kwetsbaarheidsbeoordeling. Deze inhoudelijke administratieve dilemma's sluiten elkaar niet uit en zijn geen strikte tegenstellingen, maar vertegenwoordigen tendensen, waarbij het eerste aspect van elk koppel eerder geassocieerd wordt met eigen verantwoordelijkheid, terwijl het tweede aspect eerder geassocieerd wordt met *empowerment*: 1) korte termijn hulp – structurele verandering, 2) controle – ondersteuning en 3) materiële behoeftes – beschermingsrisico's.

De studie beschouwt activeringsinspanningen gericht op *empowerment* als veelbelovender voor het faciliteren van sociaaleconomische participatie, omdat zij rekening houden met de sociale inbedding van het individu en daardoor de contextuele factoren erkennen die de kwetsbaarheid van een begunstigde kunnen beïnvloeden. Deze aanpak is beter geschikt om de onderliggende elementen bloot te stellen die de kwetsbaarheid van een persoon kunnen verergeren of verminderen (bijv. machtsverhoudingen of informele ondersteuningsstructuren in de omgeving van de begunstigde). Dit vergemakkelijkt het aanpakken van de grondoorzaken van de kwetsbaarheid van een begunstigde, in plaats van slechts symptomen te verlichten.<sup>991</sup>

## Contextuele beperkingen

Deze studie beschouwt contextuele beperkingen als de interne en externe limitaties die respondenten als relevant waarnemen voor hun werk met het bijstandsbeleid voor basisbehoeftes. Terwijl deze contextuele beperkingen niet direct relevant zijn voor vragen over het transformatieve potentieel van kwetsbaarheid, zijn ze toch belangrijk om de haalbaarheid van de integratie van een dergelijke normatieve notie in de beleidspraktijk te begrijpen. Ze helpen daarom om de bevindingen van het transformatieve potentieel van de kwetsbaarheidsnotie in de twee casussen in perspectief te plaatsen.

Het ontwerp en de implementatie van de kwetsbaarheidsbeoordeling in elke casus worden beïnvloed door een aantal contextuele beperkingen. Deze studie heeft zes dergelijke beperkingen geïdentificeerd: 1) het mandaat van de organisatie en internationale juridische verplichtingen, 2) beperkingen van financiën en/of middelen, 3) de internationale gemeenschap, 4) de operationele omgeving, 5) eerdere ervaringen en 6) de organisatiestructuur en –cultuur.

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Press 2004) 130.

<sup>991</sup> Kate Brown, 'The Governance of Vulnerability: Regulation, Support and Social Divisions in Action' [2017] 37(11/12) International Journal of Sociology and Social Policy, 669 en 677.

Niet al deze contextuele beperkingen zijn in gelijker mate relevant in elke casus en de verschillende aspecten kunnen op verschillende manieren met elkaar verbonden zijn. Het mandaat van een organisatie kan, bijvoorbeeld, invloed hebben op de organisatiestructuur en –cultuur en op de manier waarop de organisatie betrekkingen onderhoudt met de internationale gemeenschap.

## ONDERZOEKSONTWERP, METHODOLOGIE EN METHODES

Het onderzoek gebruikt twee *case studies*, beiden in Khartoem, Soedan. De eerste *case study* analyseert de kwetsbaarheidsbeoordeling van het bijstandsbeleid voor basisbehoeftes van UNHCR, terwijl de tweede *case study* zich richt op de kwetsbaarheidsbeoordelingen van IOM. De analyse in elke *case study* maakt voornamelijk gebruik van de opvattingen en waarnemingen van de beleidsuitvoerders die het onderhavige bijstandsbeleid ontwerpen en implementeren. De centrale onderzoeksvraag luidt:

Hoe kan een kwetsbaarheidsfocus in het bijstandsbeleid voor basisbehoeftes van UNHCR en IOM in Khartoem (Soedan) bijdragen aan het vermeende transformatieve potentieel van de kwetsbaarheidsnotie voor de verwezenlijking van universele mensenrechten?

De eerste *case study* gebruikt een explorerende benadering. Data werd verzameld door de analyse van beleidsdocumenten en vijf maanden deeltijd participerende observatie en semigestructureerde interviews met uitvoerders van het bijstandsbeleid voor basisbehoeftes bij UNHCR in Khartoem, Soedan (november 2017 – april 2018). De tweede *case study* was opeenvolgend op de eerste en vond plaats op basis van stellingen uit de bevindingen van de eerste *case study*. Data voor de tweede case study werd verzameld op basis van een analyse van beleidsdocumenten en drie weken voltijd participerende observatie en, hierop volgend, semigestructureerde interviews met uitvoerders van het bijstandsbeleid voor basisbehoeftes bij IOM in Khartoem, Soedan (augustus 2018).

De data analyse in beide *case studies* maakt voornamelijk gebruik van de *grounded theory method* van Corbin en Strauss.<sup>992</sup> Dat betekent dat de data geanalyseerd werd door kwalitatieve codering op basis van *sensitizing concepts* met oog op het ontwikkelen van stellingen voor het beantwoorden van de centrale onderzoeksvraag. Omdat de mogelijkheden voor het ontwikkelen van stellingen op basis van twee *case studies* beperkt blijven, probeert deze studie alleen tendensen te schetsen, die in vervolgonderzoek nader onderzocht en bediscussieerd kunnen worden.

<sup>992</sup> Juliet Corbin en Anselm Strauss, *Basics of Qualitative Research – Third Edition* (Sage Publications 2008) 2–4.

In essentie proberen de *case studies* de complexiteit van potentiële invloeden, keuzes en uitdagingen die de inhoud en vorm van een kwetsbaarheidsbeoordeling ten grondslag liggen te illustreren. De studie is dus geïnteresseerd in diversiteit en variatie in plaats van eenvormigheid of representativiteit.<sup>993</sup> Door het onderzoeksproces werden de zich voordoende complexiteiten gesorteerd in administratieve dilemma's en contextuele beperkingen als de twee centrale thema's die een wisselwerking hebben met het ontwerp en de implementatie van de kwetsbaarheidsbeoordelingen.

## DE CASE STUDIES – CENTRALE BEVINDINGEN

De studie beoordeelt de twee organisaties niet op zichzelf, maar evalueert welke van de benaderingen in de twee specifieke casussen veelbelovender lijkt voor het transformatieve potentieel van kwetsbaarheid. Bovenal geeft de studie een indicatie van de worstelingen van beide organisaties en van hun algemeen verlangen om op de best mogelijke manier hulp te verlenen, ondanks de waargenomen administratieve dilemma's en contextuele beperkingen.

Het onderzoek vergelijkt de twee organisaties niet direct. Desondanks kan niet onopgemerkt blijven dat de benaderingen in beide *case studies* een aantal belangrijke overeenkomsten vertonen. Voor beide organisaties zijn kwetsbaarheidsbeoordelingen een belangrijk onderdeel van het bijstandsbeleid voor basisbehoeftes omdat de beoordelingen fungeren als toelatingsmechanismes: de kwetsbaarheidsbeoordelingen dienen om de meest kwetsbare begunstigden te identificeren, te selecteren en prioriteit te geven. Daarnaast is het begrip van kwetsbaarheid in beide organisaties enigszins vergelijkbaar: beiden gaan in zekere mate uit van traditionele kwetsbare groepen zoals, bijvoorbeeld, kinderen, gehandicapten of mensen met een medische aandoening. Bovendien zijn de administratieve dilemma's in beide casussen gelijksoortig – ondanks het feit dat er op verschillende manier mee wordt omgegaan.

Ondanks deze overeenkomsten, verschillen beide casussen in hun potentiële bijdrage aan het vermeende transformatieve potentieel van de kwetsbaarheidsnotie. De *case studies* laten zien dat een focus op kwetsbaarheid onderdeel kan zijn van zowel een organisatie-gericht als van een cliënt-gericht model van administratieve rechtvaardigheid. Tegelijkertijd onthullen de *case studies* ook dat een kwetsbaarheidsfocus gelinkt kan zijn aan activeringsmaatregelen die gedomineerd worden door een nadruk op eigen verantwoordelijkheid of die zich baseert op *empowerment*. De twee *case studies* ondersteunen daarom de suggesties van eerdere auteurs dat de kwetsbaarheidsnotie gebruikt kan worden voor verschillende soorten beleidsdoeleinden.<sup>994</sup>

<sup>993</sup> Vergelijk, bijv., Corbin en Strauss (2008) 156.

<sup>994</sup> Vergelijk, bijv., Brown (2011).

De kwetsbaarheidsbeoordeling van het bijstandsbeleid voor basisbehoeftes bij UNHCR Khartoem weerspiegelt vooral het bureaucratische model van administratieve rechtvaardigheid en een activeringsaanpak die gericht is op eigen verantwoordelijkheid. Deze focus op kwetsbaarheid heeft daarom beperkt transformatief potentieel: 1) de rigide en organisatie-georiënteerde beoordeling heeft onvoldoende aandacht voor de interpersoonlijke dynamieken die stigmatisering en stereotypering kunnen verergeren in de interactie tussen de *front-line* medewerker en de begunstigde en 2) de beperkte erkenning van de relevantie van de sociale omgeving van begunstigten beperkt de mogelijkheden om sociaaleconomische participatie te faciliteren.

De kwetsbaarheidsbeoordelingen van het bijstandsbeleid voor basisbehoeftes bij IOM Khartoem vertoont meer kenmerken van het professionele model van administratieve rechtvaardigheid en van een activeringsaanpak die gericht is op *empowerment*. Deze kwetsbaarheidsfocus lijkt daarom veelbelovend in het transformatieve potentieel: 1) de flexibele en cliënt-gerichte beoordelingen erkennen de interpersoonlijke dynamieken die stigmatisering en stereotypering in de interactie tussen *front-line* medewerkers en begunstigten kunnen versterken en 2) de gemeenschapsfocus van het bijstandsbeleid erkent het belang van de sociale omgeving van begunstigten en kan op die manier sociaaleconomische participatie faciliteren.

De *case study* van IOM Khartoem suggereert dat het vermeende transformatieve potentieel van de kwetsbaarheidsnotie voor substantiële gelijkheid niet compleet utopisch is maar dat het geïntegreerd kan worden in de uitvoering en het ontwerp van beleid. De cliënt- en *empowerment*-gerichte aanpak van de organisatie biedt een aantal innovatieve ideeën die, vanuit het perspectief van het transformatieve potentieel van kwetsbaarheid, de moeite waard zijn om te bevorderen en op voort te bouwen. De kwetsbaarheidsbeoordelingen van IOM Khartoem reflecteren een erkenning van de complexe realiteit van unieke maar sociaal ingebedde individuen. Dit is bijzonder relevant in de migratiecontext waar de interpersoonlijke dynamieken versterkt kunnen zijn door vooroordelen en stereotypes die, bijvoorbeeld, voortkomen uit verschillende culturele achtergronden, of waar taal en interpretatieproblemen extra uitdagingen vormen. Een focus op de sociale omgeving van de begunstigten door gemeenschapsgericht *empowerment* is even relevant in de migratiecontext, waar de kwetsbaarheid van begunstigten over het algemeen versterkt wordt door ontworteling, en waar begunstigten aanlopen tegen barrières voor participatie vanwege wet- en regelgeving die hen buitensluit. Gemeenschapsgericht *empowerment* biedt een mechanisme om de kwetsbaarheid van niet-burgers te verminderen door individuele en sociale veerkracht te versterken in situaties van ontworteling.

Deze studie stelt ook vast dat de kwetsbaarheidsbeoordelings-gerelateerde werkzaamheden in beide organisaties op gespannen voet staan met (door de respondenten waargenomen) contextuele beperkingen. De meest expliciete contextuele beperkingen in beide gevallen zijn beperkte (financiële) middelen, de invloed van de internationale gemeenschap en een uitdagende operationele omgeving. Dit suggereert dat het transformatieve potentieel in beide *case studies* groter zou

kunnen zijn als deze contextuele beperkingen niet zouden bestaan of verlicht zouden kunnen worden. In beide gevallen zijn het ontwerp en de implementatie van de kwetsbaarheidsbeoordelingen dus pragmatische uitkomsten van wat haalbaar wordt geacht in het licht van de (waargenomen) contextuele beperkingen.

Toch limiteren deze contextuele beperkingen zelf niet per se het transformatieve potentieel van de kwetsbaarheidsfocus in bijstandsbeleid voor basisbehoeftes. In plaats daarvan hangt het transformatieve potentieel af van de bereidheid en mogelijkheden om manieren te vinden om zich op een dergelijk normatief ideaal te richten ondanks de (waargenomen) contextuele beperkingen. De verschillende mandaten van de organisaties spelen hierbij waarschijnlijk een centrale rol. Vanwege deze mandaten lijkt het alsof, op het moment van onderzoek, UNHCR Khartoem bescherming voornamelijk beschouwt als een aansprakelijkheidsrisico terwijl IOM Khartoem het lijkt te beschouwen als een kans (om de eigen relevantie te vergroten). In dit onderzoek laat het fluïde en overheidsgeoriënteerde mandaat van IOM dus meer ruimte om te manoeuvreren en de organisatie heeft meer te bieden dat in lijn is met de belangen van zowel de Soedanese autoriteiten als (Europese) donorlanden. Dit lijkt een vollediger, empirisch onderbouwd en samenhangend kwetsbaarheidsgericht bijstandsbeleid voor basisbehoeftes te faciliteren.

## CONCLUSIES

### Beleidspotentieel

Het onderzoek concludeert dat een kwetsbaarheidsfocus in het bijstandsbeleid voor basisbehoeftes niet automatisch een transformatief potentieel heeft. In plaats daarvan lijkt de kwetsbaarheidsnotie gebruikt te worden in potentieel tegenstrijdige modellen en aanpakken die niet in alle gevallen in gelijke mate geschikt zijn om bij te dragen aan substantiële gelijkheid. De studie beargumenteert dat, om het transformatieve potentieel van een kwetsbaarheidsfocus in bijstandsbeleid voor basisbehoeftes te verbeteren, deze kwetsbaarheidsfocus onderdeel zou moeten zijn van een geïntegreerde benadering die professionele individuele bijstand en gemeenschapsgericht *empowerment* combineert.

Professionele individuele bijstand zou ten minste de volgende elementen moeten bevatten: 1) voldoende aandacht voor de potentiële stereotypes die ten grondslag kunnen liggen aan, invloed hebben op, of kunnen voortvloeien uit de interpersoonlijke dynamieken in de interactie tussen *front-line* medewerker en potentiële begunstigde; 2) de potentiële begunstigde behandelen met empathie, respect, geduld en begrip; 3) aandacht voor de complexiteit en onvoorspelbaarheid van de situatie van elke begunstigde; 4) een organisatiecultuur opbouwen en onderhouden die de professionaliteit van de *front-line* medewerkers versterkt, het belang van communicatie benadrukt, een coachende managementstijl hanteert en een algemene bottom-up benadering volgt.



Gemeenschapsgericht *empowerment* zou ten minste de volgende aspecten moeten bevatten: 1) toegankelijkheid verbeteren door gemeenschappen te vragen om kwetsbare leden door te verwijzen voor ondersteuning en door actieve interactie met de gemeenschappen hierover; 2) aandacht hebben voor individuele én sociale veerkracht door het opbouwen van de capaciteit van de gemeenschap; 3) inzetten op duurzaamheid door een duidelijk beeld te hebben van een exit strategie en de nodige structurele veranderingen.

De bovengenoemde sleuteleigenschappen zijn geen uitputtend overzicht, maar bieden een eerste referentie voor toekomstig beleid voor, en/of onderzoek naar, een kwetsbaarheidsfocus in bijstandsbeleid voor basisbehoeftes. Het combineren van professionele individuele ondersteuning en gemeenschapsgericht *empowerment* kan een dubbel vangnet vormen dat 1) de aandacht voor de mentale gezondheid van de begunstigde versterkt; 2) de machtsverhoudingen mitigeert die inherent zijn aan elke vorm van hulpverlening; 3) de toegangsdrempel voor bijstand voor de meest kwetsbaren verlaagt en 4) het begrip van de kwetsbaarheid (van de potentieel begunstigten) onder bijstandsverleners verbetert. Desalniettemin moet deze aanpak niet worden beschouwd als een vervanger voor statelijke (of andere officiële) verantwoordelijkheid, maar de aanpak zou hand in hand moeten gaan met de actieve inspanningen van statelijke (of vergelijkbare officiële) instituties met en voor gemeenschappen. Een dergelijke gecombineerde aanpak kan het transformatieve potentieel van een kwetsbaarheidsfocus in bijstandsbeleid voor basisbehoeftes verder verbeteren.

## Relationele kwetsbaarheid

De kwetsbaarheidsnotie zelf is misschien niet de ‘Heilige Graal’ voor substantiële gelijkheid, maar deze studie concludeert dat sommige benaderingen van kwetsbaarheid beter geschikt zijn dan anderen om de bovengenoemde maatregelen van professionele individuele steun en gemeenschapsgericht *empowerment* te steunen. Deze studie ziet de waarde van de kwetsbaarheidsnotie voor dit doel voornamelijk in de nadruk die de notie legt op de sociale inbedding van het individu. Dit begrip wordt het beste gereflecteerd in een relationele benadering van kwetsbaarheid. In deze typologie bestaan kwetsbaarheid (behoeftes en risico’s) en veerkracht (capaciteiten en resources) als gradaties van elkaar.

Kwetsbaarheid wordt hierbij gedefinieerd als de bedreiging van afhankelijkheid en is daarom gerelateerd aan zowel risico’s als behoeftes. Behoeftes betekent in deze context wat nodig is om te overleven, om jezelf te beschermen en om, uiteindelijk, te gedijen. Nauw verwant aan wat respondenten in de twee *case studies* benadrukken, en wat onderdeel is van de kwetsbaarheidsbeoordelingen van beide organisaties, zouden risico’s moeten worden beschouwd als contextuele (sociaal-politieke, culturele, persoonlijke) bedreigingen die versterkt kunnen worden wanneer aan deze behoeftes onvoldoende voldaan wordt.<sup>995</sup>

<sup>995</sup> Susanne Jaspars en Jeremy Shoham, ‘Targeting the Vulnerable: A Review of the Necessity and Feasibility of Targeting Vulnerable Households’ [1999] 23(4) Disasters 363. Vergelijk ook Mackenzie

Veerkracht, aan de andere kant, is verbonden aan de *belofte* van autonomie. Autonomie is “de daadwerkelijke en effectieve capaciteit om een eigen opvatting van een waardevol leven te ontwikkelen en na te streven” en “is alleen bereikbaar onder sociaal gunstige condities”.<sup>996</sup> Autonomie is dus het resultaat van de gecombineerde lichamelijke, economische en sociale capaciteiten en middelen van het individu die kunnen beschermen tegen afhankelijkheid. Het (waargenomen) niveau van afhankelijkheid of autonomie van het individu is daarom het resultaat van het vermogen van een persoon om, op basis van deze capaciteiten en middelen, in behoeftes te voorzien en zich te verdedigen tegen risico’s.

Om ervoor te zorgen dat de combinatie van professionele individuele hulpverlening en gemeenschapsgericht *empowerment* een duurzame bijdrage kan leveren aan substantiële gelijkheid, moet een dergelijk beleid onderbouwd zijn met een dieper begrip van individuen en hun sociale interacties. Relationele kwetsbaarheid beschouwt sommige aspecten van kwetsbaarheid als “inherent aan het menselijke zijn” maar onderstreept dat deze aspecten versterkt worden, of zelfs aangewakkerd worden, door “leven in een maatschappij” en dat deze aspecten ongelijkheden kunnen versterken.<sup>997</sup> In essentie onderstreept relationele kwetsbaarheid dus dat de kwetsbaarheid van het individu voortkomt uit een complexe relatie van sociale banden en afhankelijkheden. Hierdoor faciliteert relationele kwetsbaarheid een genuanceerde beoordeling van capaciteiten, middelen, risico’s en behoeftes.<sup>998</sup> Dit helpt om de grondoorzaken van de kwetsbaarheid van een begunstigde te identificeren en maakt het daarom waarschijnlijker dat het ondersteunen in basisbehoeftes stigmatisering en stereotypering mitigeert en sociaaleconomische participatie faciliteert.

## Burgerschap en mensenrechten

Tenslotte concludeert dit onderzoek dat het onwaarschijnlijk is dat de kwetsbaarheidsnotie de grenzen van burgerschap kan overstijgen: het primaire belang van een staat om het lidmaatschap van haar politieke gemeenschap te bepalen blijft in fundamentele tegenstelling tot de volledige realisatie van de universele mensenrechten. Toch kan de kwetsbaarheidsnotie de daadwerkelijke implementatie van de mensenrechten faciliteren door te beginnen bij een complexer begrip van mensen als sociaal ingebedde individuen. Dit maakt benaderingen met empirische grondslag voor de mitigatie van discriminatie, marginalisering, achterstelling en uitsluiting beter mogelijk. Dat betekent dat de kwetsbaarheidsnotie op ten minste twee manieren kan bijdragen aan de realisatie van universele mensenrechten ondanks de inherente

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(2013) 38–39.

<sup>996</sup> Anderson en Honneth (2004) 130. Vergelijk ook Mackenzie (2013) 34.

<sup>997</sup> Misztal (2011) 46.

<sup>998</sup> Mackenzie (2013) 42–56.

beperking die voortkomt uit statelijke soevereiniteit: 1) door sociale veerkracht te versterken en 2) door sociale verbondenheid te erkennen.

Sociale veerkracht: discriminatie, marginalisering, achterstelling en uitsluiting zijn structurele problemen die een samenhangende aanpak vereisen. De kwetsbaarheidsnotie kan het begrip van de grondoorzaken van deze problemen verdiepen en veranderingen faciliteren in de relevante sociale en maatschappelijke structuren zoals families, gemeenschappen, organisaties en overheidsinstanties. De kwetsbaarheidsnotie ondersteunt daarom het sociologische inzicht dat “individuele rechten geconstrueerd zijn door en in de maatschappij; het individu en het sociale niet zonder elkaar kunnen bestaan, in plaats van dat het individu ontologisch vóór het sociale komt”.<sup>999</sup> Hierdoor vestigt de notie de aandacht op alternatieve paden voor het realiseren van universele mensenrechten door versterkte sociale verbanden en informele netwerken. Deze sociale veerkracht kan een alternatief sociaal vangnet bieden voor die niet-burgers die geen toegang hebben tot formele overheidssteun (en doet dat vaak al).

Sociale verbondenheid: niet-burgers zijn zelden volledig uitgesloten van de politieke gemeenschap, maar nemen vaak deel op informele manieren. De nadruk van de kwetsbaarheidsnotie op sociale en maatschappelijke banden en zet vraagtekens bij de grondvesten van lidmaatschap van een politieke gemeenschap. Ook zonder juridische status lijken de bezigheden, de hoop en het verdriet van niet-burgers op dat van de meeste mensen: de kost verdienen, zorgen voor hun families, gelukkige momenten vieren en hun doden betreuen. Sociaaleconomische uitsluiting is daarom niet noodzakelijkerwijs een permanente consequentie van ontworteling en juridische/politieke uitsluiting. De kwetsbaarheidsnotie onderstreept deze sociale realiteit en zet vraagtekens bij de rechtvaardiging voor het uitsluiten van volledig participerende sociale burgers van andere vormen van burgerschap. Dit onderstreept de gradaties van burgerschap die de harde grenzen van uitsluiting op basis van juridische status doen vervagen. Door deze “brede sociale randvoorwaarden voor mensenrechten” te benadrukken, draagt de kwetsbaarheidsnotie bij aan Arendt’s visie van werkelijk ‘menselijke’ mensenrechten.<sup>1000</sup>

De nadruk van de kwetsbaarheidsnotie op sociale banden onderstreept dat de verwezenlijking van universele mensenrechten een complex proces is met een veelvoud aan gradaties. Hoewel de kwetsbaarheidsnotie misschien niet prima facie juridische uitsluiting kan overstijgen, kan een relationeel begrip van kwetsbaarheid dat gepaard gaat met professionele individuele steun en gemeenschapsgericht *empowerment* ten minste een deel van de consequenties tegengaan en de onderbouwing van deze uitsluiting ter discussie stellen.

<sup>999</sup> Mikael Madsen en Gert Verschraegen, ‘Making Human Rights Intelligible: An Introduction to a Sociology of Human Rights’ in Mikael Madsen en Gert Verschraegen (red.), *Making Human Rights Intelligible: Towards a Sociology of Human Rights* (Hart 2013) 8–9.

<sup>1000</sup> Madsen en Verschraegen (2013) 10–11; Hannah Arendt, *The Origins of Totalitarianism* (Meridian Books – The World Publishing Company 1958) 299–302.

## Laatste opmerking over normatieve idealen en beleidspraktijk

Om universele mensenrechten te realiseren moeten normatief-theoretische rechten en daadwerkelijke behoeftes en risico's elkaar aanvullen. De kwetsbaarheidsnotie, zoals die wordt begrepen in deze studie, zou dergelijke rechten en behoeftes/risico's kunnen verbinden omdat het een combinatie faciliteert van 1) een normatieve nadruk op de verantwoordelijkheid van overheden en andere plichtsdragers van mensenrechten om veerkracht op te bouwen en 2) behoeftes/risico-gerichte praktische gereedschappen voor beleid gericht op de meest kwetsbaren. Dit ondersteunt het bereiken van substantiële gelijkheid, en daarmee de verwezenlijking van universele mensenrechten. Het dwingt tot een heroriëntatie van de mensenrechten om de meest achtergestelden eerst te bereiken, in lijn met de ambitie van de Duurzame Ontwikkelingsdoelstellingen om 'niemand achter te laten'.

## SUMMARY

The term ‘vulnerability’ is often used in law and policy to refer to disadvantaged, marginalised or excluded human beings. Being ‘in a vulnerable situation’, belonging to ‘a vulnerable group’ or simply ‘being vulnerable’ are labels that policy makers, human rights advocates and others frequently use when seeking to address precariousness, deprivation, suffering and injustice. Why do we seem so fascinated by this term and its implications? What purpose and effect does the explicit pinpointing of vulnerability have? Does a focus on vulnerability actually help to improve the situation of the most disadvantaged and excluded? If so, how and under what circumstances?

These were only some of the questions that sparked my interest in vulnerability and led me to conduct this research. Scholars in the fields of human rights and social policy tend to disagree on the added value of the vulnerability notion. Some argue that a vulnerability focus can have a ‘transformative potential’ because it ensures that policies are “responsive to those who are disadvantaged, demeaned, excluded, or ignored” and therefore contribute to substantive equality.<sup>1001</sup> Others, however, suggest that a vulnerability focus can also have paternalising and controlling effects that might actually be counterproductive to substantive equality.<sup>1002</sup> This raises the question whether, and to what extent, the notion of vulnerability in normative theory and a practical, policy-based focus on vulnerability might complement or contradict each other.

To shed some light on this issue, the present study concentrates on the vulnerability focus in the basic assistance policies for non-citizens by the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM) in Khartoum, Sudan in 2017 – 2018.

Why focus on non-citizens? Non-citizens are usually labelled on the basis of categories such as refugees, migrant workers, asylum-seekers or undocumented migrants. In public discourse, some of these categories (e.g. refugees) tend to imply more vulnerability than other categories (e.g. migrant workers). Yet, in being *non-citizens*, all of these persons lack some degree of the protection that is usually awarded

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<sup>1001</sup> Sandra Fredman, ‘Revisiting Substantive Equality’ [2016] 14(3) International Journal of Constitutional Law 713. Compare also, e.g. Martha Fineman, ‘The Vulnerable Subject: Anchoring Equality in the Human Condition’ [2008] 20(1) Yale Journal of Law and Feminism 1–23; Martha Fineman and Anna Grear (eds.), *Reflections on a New Ethical Foundation for Law and Politics* (Ashgate 2013).

<sup>1002</sup> Compare, e.g., Kate Brown, ‘Vulnerability: Handle with Care’ [2011] 5(3) Ethics and Social Welfare, 315–316 and Lourdes Peroni and Alexandra Timmer, ‘Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law’ [2013] 11(4) International Journal of Constitutional Law 1072–1073.

to citizens. This can increase their vulnerability to a large variety of risks such as poverty, exploitation or violence.

Exactly because non-citizens do not have the citizenship of their country of residence, this vulnerability often remains unrecognized and assistance is only provided reluctantly. Citizenship allows states to distinguish persons entitled to all rights from persons whose rights may be more limited. Citizenship is therefore largely universal on the inside of a political community as all citizens are considered equal and entitled to the full protection of their rights. Simultaneously, it is exclusive on the outside of the same political community as non-citizens are usually excluded to varying degrees and have to fulfil certain criteria in order to gain (partial) access to these rights.<sup>1003</sup> This system can only be maintained for as long as there truly exists a separation between the inside and the outside.<sup>1004</sup> Excluding outsiders is thus commonly seen as a necessary precondition for granting universal rights within a political community.

This (partial) exclusion of non-citizens underlines that human rights are not equally realised for all human beings. From a human rights perspective, this is problematic since human rights are, at least in theory, envisaged as universal and thus as equally applicable to all human beings regardless of nationality, legal status or place of residence. Furthermore, the (partial) non-realisation of the human rights of non-citizens contradicts the abovementioned principle of substantive equality. This makes it important to focus the research on non-citizens.

**Why focus on UNHCR and IOM?** Countries like the focus country of this study, the Republic of Sudan, struggle (or are unwilling) to even realise the human rights of their *own* citizens – leaving much more to be desired with regard to the realisation of the human rights of non-citizens. With, at the time of research, an estimated refugee population of over 1 million people and an unknown number of other migrants, even the most basic human rights (such as the rights to food, housing and health care) of these non-citizens are often not being realised. In situations like these, the protection of, and assistance to, these non-citizens usually falls (partially) upon the international community, and specifically, upon the United Nations and her implementing agencies.<sup>1005</sup>

The international community seems to be willing to provide humanitarian assistance to protect and assist those non-citizens in the most precarious situations. UNHCR and IOM are the two principal international organisations that seek to provide such large-scale support to non-citizens. One way in which the two organisations provide this support is through basic assistance policies which rely on so-called ‘vulnerability assessments’ to identify and assist the most needy non-citizens first. These vulnerability assessments provide intriguing cases for an analysis

<sup>1003</sup> Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton University Press 2006) 4. This study views a ‘political community’ as “the national community: the community that is the product of the political association that is the state”. Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (Oxford University Press 2003) 180.

<sup>1004</sup> Bosniak (2006) 4.

<sup>1005</sup> Provided that the country in question agrees to such assistance by the international community.

of whether and to what extent such a vulnerability focus in basic assistance policies does and can have any transformative potential for the realisation of universal human rights.

Why focus on basic assistance providers? The present study views human rights as broad, socially embedded phenomena whose realisation not only depends on their legal function and content but also, and possibly even more crucially, on their practical implementation by a diverse range of actors.<sup>1006</sup> In light of this sociological understanding of human rights, the study does not focus on any specific human right as enshrined in international human rights law. Instead, the research centres on the transformative potential of vulnerability for the broad human rights principle of substantive equality beyond the realm of legal doctrine.

In so doing, the study concentrates on basic assistance providers, on the policies they design and implement and on the organisations within which they operate. 'Basic assistance providers' are defined as the persons involved in the field-level design and implementation of the vulnerability-based basic assistance policies in the two case studies (i.e. case workers and their direct superiors). These policy implementers are the first gatekeepers in the provision of basic assistance and therefore constitute important potential contributors to the realisation of human rights on the ground.<sup>1007</sup>

## THEORETICAL FRAMEWORK

The present study understands the transformative potential of vulnerability as the potential of the notion to direct human rights (policies) towards substantive equality, i.e. towards being "located in the social context, responsive to those who are disadvantaged, demeaned, excluded, or ignored".<sup>1008</sup> The vulnerability notion's transformative potential lies in underscoring that human rights are not merely the rights of individual persons, but also entail a social component that is crucial to understand and address.<sup>1009</sup>

To concretize this transformative potential, the present study relies on Fredman's four dimensions of substantive equality: 1) addressing stereotypes, 2) enhancing participation, 3) redressing disadvantage and 4) accommodating differences by

<sup>1006</sup> Barbara Oomen, 'Global Governance, Human Rights and Humanitarianism' in Robert Kloosterman, Virginie Mamadouh and Pieter Terhorst (eds.), *Handbook on the Geographies of Globalization* (Edward Elgar 2018), 368.

<sup>1007</sup> Compare, e.g., Albert Jan Kruiter and Jorrit de Jong, 'Providing Services to the Marginalized: Anatomy of an Access Paradox' in Jorrit de Jong and Gowher Rizvi (eds.), *The State of Access: Success and Failure of Democracies to Create Equal Opportunities* (Brookings Institution Press 2008) 168.

<sup>1008</sup> Fredman (2016), 713.

<sup>1009</sup> Compare, e.g., Robert Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities* (University of Chicago 1985) 191. Cited in Catriona Mackenzie, 'The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability' in Catriona Mackenzie, Wendy Rogers and Susan Dodds (eds.), *Vulnerability: New Essays in Ethics and Feminist Philosophy* (Oxford University Press 2013) 38.

achieving structural change. Fredman asserts that these four dimensions are necessary prerequisites for achieving substantive equality.<sup>1010</sup>

Based on the present study's findings at UNHCR and IOM and in light of the literature on the alleged transformative potential of vulnerability, the study focuses on two of these four dimensions, namely the vulnerability notion's transformative potential for 1) mitigating stigmatisation and stereotyping (the first dimension of substantive equality) and for 2) facilitating socio-economic participation (the second dimension of substantive equality).<sup>1011</sup> To understand this transformative potential, the study focuses on the underlying influences (i.e. the administrative dilemmas and contextual constraints) upon the design and implementation of the vulnerability assessments in each case study.

## Mitigating Stigmatisation and Stereotyping

The vulnerability notion is said to mitigate stigmatisation and stereotyping because the understanding of vulnerability as universal can transcend the categorisation of marginalised and/or disadvantaged individuals into potentially stigmatising and over-generalised groups (e.g. women, disabled persons or ethnic minorities).<sup>1012</sup>

This is important for substantive equality because stigmatisation and stereotyping can influence how we perceive ourselves, which can, in turn, (negatively) impact our ability to act. This study therefore assumes that due regard for a potential beneficiary's perspectives, perceptions and capacities is fundamental for the mitigation of stigmatisation and stereotyping. To distinguish better- and less-suited measures in this respect, the study relies on the distinction between a bureaucratic and a professional model of administrative justice. Broadly speaking, the former model is centred on organisational goals while the latter is focused on client satisfaction.<sup>1013</sup> The study operationalises this distinction into three procedural administrative dilemmas that are relevant for how a vulnerability assessment is designed and implemented. These procedural administrative dilemmas are not mutually exclusive or strict dichotomies but merely represent tendencies in which the first aspect of each pair is more closely associated with the bureaucratic model, while the second aspect is more closely associated with the professional model: 1) rigidity – flexibility, 2) feasibility – comprehensiveness and 3) risking under-inclusiveness – risking over-inclusiveness.

The study considers client-centeredness, and therefore the professional model of administrative justice, as more promising for the mitigation of stigmatisation and

<sup>1010</sup> Fredman (2016), 712. For a critique of this approach see, e.g., Catharine MacKinnon, 'Substantive Equality Revisited: A Reply to Sandra Fredman' [2016] 14(3) *International Journal of Constitutional Law* 739–746.

<sup>1011</sup> This does not necessarily mean that the other two dimensions are any less important but merely that they were less directly reflected in the case study findings.

<sup>1012</sup> Fineman (2013) 14–17.

<sup>1013</sup> Jerry Marshaw, *Bureaucratic Justice: Managing Social Security Disability Claims* (Yale University Press 1983); Michael Adler, 'A Socio-Legal Approach to Administrative Justice' [2003] 25(4) *Law & Policy* 329.



stereotyping: it places the beneficiary at the centre of the assistance provision and provides more room for the perspectives, perceptions and capacities of potential beneficiaries in the vulnerability assessment procedure. This allows the assessment to become less of a one-directional bureaucratic classification and categorisation mechanism and more of a shared investigation into the diverse, and not necessarily group-related, origins of a potential beneficiary's vulnerability.

## Facilitating Socio-Economic Participation

The vulnerability notion is said to facilitate socio-economic participation because it emphasises the social nature of human beings and views them as embedded in a web of diverse social relationships that can aggravate or mitigate a person's vulnerability.<sup>1014</sup>

This is important for substantive equality because “autonomy – the real and effective capacity to develop and pursue one's own conception of a worthwhile life – is only achievable under socially supportive conditions”.<sup>1015</sup> This study therefore assumes that active efforts to address the root-causes of a beneficiary's vulnerability are central to facilitating socio-economic participation. The research distinguishes two types of such efforts: one that concentrates on economic participation (responsibilisation-focused activation) and one that focuses on social participation (empowerment-focused activation). The study operationalises this distinction into three substantive administrative dilemmas that are relevant for how a vulnerability assessment is designed and implemented. These substantive administrative dilemmas are not mutually exclusive or strict dichotomies but merely represent tendencies in which the first aspect of each pair is more closely associated with responsibilisation, while the second aspect is more closely associated with empowerment: 1) short-term relief – structural change, 2) control – support and 3) material needs – protection risks.

The study considers empowerment-oriented activation efforts as more promising for the facilitation of socio-economic participation because they take into account the social embeddedness of the individual, thereby acknowledging the contextual factors that can influence a beneficiary's vulnerability. This is more likely to expose the underlying elements that can aggravate or mitigate a person's vulnerability (e.g. power dynamics or informal support structures in the beneficiary's surrounding) and

<sup>1014</sup> Fineman (2013); Catriona Mackenzie, 'The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability' in Catriona Mackenzie, Wendy Rogers and Susan Dodds (eds.), *Vulnerability: New Essays in Ethics and Feminist Philosophy* (Oxford University Press 2013) 36–39; Barbara Misztal, *The Challenges of Vulnerability: In Search for Strategies for a Less Vulnerable Social Life* (Palgrave Macmillan 2011) 58.

<sup>1015</sup> Joel Anderson and Axel Honneth, 'Autonomy, Vulnerability, Recognition and Justice' in John Christman and Joel Anderson (eds.), *Autonomy and the Challenges to Liberalism* (Cambridge University Press 2004) 130.

therefore facilitates addressing the root-causes of a beneficiary's vulnerability instead of merely providing symptom relief.<sup>1016</sup>

## Contextual Constraints

This study understands contextual constraints as the internal and external limitations that respondents perceive as relevant for their work with the respective basic assistance policy. Although these contextual constraints might not be directly relevant for inquiries into the transformative potential of vulnerability, they are important for understanding the feasibility of integrating any such normatively desirable notion into policy practice. Hence, they help to place the findings on the vulnerability notion's transformative potential in the two case studies into perspective.

The design and implementation of the vulnerability assessments in each case are influenced by a number of contextual constraints. This study identified six such constraints: 1) the organisation's mandate and international legal obligations, 2) financial and resource constraints, 3) the international community, 4) the operational environment, 5) previous experiences and 6) the organisational structure and culture.

Not all of these contextual constraints are equally relevant in each case study and the different aspects can be related in several ways. An organisation's mandate can, for instance, influence the organisational structure and culture as well as the way in which the organisation relates to the international community.

## RESEARCH DESIGN, METHODOLOGY AND METHODS

The research relies on two case studies, both set in Khartoum, Sudan. The first case study analyses the vulnerability assessment for basic assistance at UNHCR while the second case study centres on the vulnerability assessments for basic assistance at IOM. The analysis in each case primarily relies on the perspectives and perceptions of basic assistance providers who design and implement the respective basic assistance policies. The central research question is the following:

How can the vulnerability focus in basic assistance policies by UNHCR and IOM in Khartoum (Sudan) contribute to the vulnerability notion's alleged transformative potential for the realisation of universal human rights?

The first case study adopted an exploratory approach. Data was collected through the analysis of policy documents and five months of part-time participant observation and

<sup>1016</sup> Kate Brown, 'The Governance of Vulnerability: Regulation, Support and Social Divisions in Action' [2017] 37(11/12) *International Journal of Sociology and Social Policy*, 669 and 677.

semi-structured interviews with basic assistance providers at UNHCR in Khartoum, Sudan (November 2017 – April 2018). The second case study was sequential to the first one and based on propositions from the first case study's findings. Data for the second case study was collected on the basis of an analysis of policy documents and three weeks of full-time participant observation and semi-structured interviews with basic assistance providers at IOM in Khartoum, Sudan (August 2018).

The data analysis in both case studies largely relied on Corbin and Strauss' grounded theory method.<sup>1017</sup> This means that the data was analysed through qualitative coding on the basis of sensitising concepts in an attempt to develop propositions for answering the main research question. Since the possibility to develop propositions on the basis of two case studies remains limited, the study merely sought to extract tendencies that can subsequently be investigated and discussed in more depth in future research.

In essence, the case studies seek to shed light on the complexities of potential influences, preferences, choices and challenges which underlie the content and form of a vulnerability assessment. The study is thus interested in diversity and variation rather than sameness or representativeness.<sup>1018</sup> During the research process the emerging complexities were grouped into administrative dilemmas and contextual constraints as the two central themes that interplay with the design and implementation of the respective vulnerability assessments.

## THE CASE STUDIES – KEY FINDINGS

The study does not judge the two organisations as such but evaluates which of the approaches in the two specific cases appears more promising for the transformative potential of vulnerability. Above all, the study reveals the struggles of both organisations as well as their general desire to assist in the best way possible despite the perceived administrative dilemmas and contextual constraints.

The research does not directly compare both organisations. Nevertheless, it cannot go unnoticed that the approaches in both case studies share a number of important similarities. At both organisations, vulnerability assessments are an important aspect of the basic assistance provision due to their function as eligibility mechanisms: the vulnerability assessments serve to screen, identify, select and prioritise the most vulnerable beneficiaries. In addition, the understanding of vulnerability at both organisations is somewhat similar: both rely, at least to some extent, on traditional vulnerable groups such as, for instance, children, persons with disabilities or persons with a medical condition. Moreover, although the administrative dilemmas are dealt with differently in each case, the dilemmas themselves appear similar.

<sup>1017</sup> Juliet Corbin and Anselm Strauss, *Basics of Qualitative Research – Third Edition* (Sage Publications 2008) 2–4.

<sup>1018</sup> Compare, e.g., Corbin and Strauss (2008) 156.

Despite these similarities, both cases differ in their contribution to the vulnerability notion's alleged transformative potential. As such, the case studies show that a vulnerability focus can be part of both organisation- and client-focused models of administrative justice. Simultaneously, the case studies also reveal that a vulnerability focus can be linked to activation measures that are dominated by responsabilisation as well as by empowerment rationales. The two case studies therefore support previous authors' suggestions that the notion of vulnerability can be employed for various types of policy rationales.<sup>1019</sup>

UNHCR Khartoum's vulnerability assessment for basic assistance reflects tendencies of the bureaucratic model of administrative justice and of a responsabilisation-oriented approach to activation. This vulnerability focus therefore appears limited in its transformative potential: 1) the rigid and organisation-focused assessment insufficiently acknowledges the interpersonal dynamics that can aggravate stigmatisation and stereotyping in the interaction between case workers and beneficiaries and 2) the limited recognition of the relevance of the beneficiaries' social environment limits the possibilities for facilitating socio-economic participation.

IOM Khartoum's vulnerability assessments for basic assistance exhibit tendencies of the professional model of administrative justice and of an empowerment-oriented approach to activation. This vulnerability focus therefore appears promising in its transformative potential: 1) the flexible and client-centred assessments acknowledge the interpersonal dynamics that can aggravate stigmatisation and stereotyping in the interaction between case workers and beneficiaries and 2) the community focus of the assistance provision recognises the importance of the beneficiaries' social environment, thereby likely facilitating socio-economic participation.

The IOM case study suggests that the vulnerability notion's alleged transformative potential for substantive equality is not entirely utopian but can, at least partially, be integrated into actual policies. The organisation's client-centred and empowerment-focused approach provides some innovative ideas that, from a transformative potential of vulnerability perspective, are worthwhile to foster and build upon. IOM Khartoum's assessments of vulnerability reflect an acknowledgement of the complex reality of unique but socially embedded individuals. This might be particularly relevant in the migration context where interpersonal dynamics are likely to be aggravated by biases and stereotypes which, for instance, arise from different cultural backgrounds or where language and interpretation problems might cause additional challenges. A focus on the beneficiaries' social environment through community-focused empowerment is similarly relevant in the migration context where beneficiaries' vulnerability is usually increased by uprootedness and where beneficiaries face barriers to participation due to exclusionary laws and policies. Community-focused empowerment provides a mechanism to mitigate non-citizen vulnerability by strengthening individual as well as social resilience in situations of uprootedness.

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<sup>1019</sup> Compare, e.g., Brown (2011).

The study also finds that the vulnerability-assessment-related work in both organisations is hampered by (the respondents' perception of) several contextual constraints. The most explicitly perceived contextual constraints in both cases are limited resources, the influence of the international community and a challenging operational environment. This suggests that the transformative potential in both cases studies could be larger if these contextual constraints did not exist or could be circumvented. The vulnerability assessments' design and implementation in both cases therefore appear to be pragmatic outcomes of what is deemed feasible in light of these and other contextual constraints.

Yet, the contextual constraints themselves do not necessarily restrict the transformative potential of a vulnerability focus in basic assistance policies. Instead, the transformative potential depends on an organisation's willingness and possibilities to find ways to align with any such normative ideal despite the (perceived) contextual constraints. The organisations' different mandates likely play a central role in this respect. Due to these mandates, it seems like, at the time of research, UNHCR Khartoum primarily perceives protection as a liability while IOM Khartoum tends to perceive protection as an opportunity (to increase its relevance). In the present study, IOM's fluid and state-oriented mandate thus leave more room for manoeuvre and the organisation has more to offer that is aligned with the interests of the Sudanese authorities as well as with (European) donor governments. This appears to facilitate a more comprehensive, evidence-based and expansive vulnerability-focused basic assistance policy.

## CONCLUSIONS

### Policy Potentials

The research concludes that a vulnerability focus in the basic assistance policies that were the subject of this study does not automatically have a transformative potential. Instead, the notion appears to be used in potentially contradicting models and approaches that are not necessarily equally well-suited to contribute to substantive equality. The study argues that, to improve the transformative potential of a vulnerability focus in basic assistance policies, this vulnerability focus should be part of an integrated approach that combines professional individual assistance and community-focused empowerment.

Professional individual assistance should incorporate at least the following elements: 1) paying sufficient attention to the potential stereotypes that can underlie, influence and/or emerge from the interpersonal dynamics in the interaction between case worker and potential beneficiary; 2) treating potential beneficiaries with empathy, respect, patience and understanding; 3) taking into account the complexity and unpredictability of each beneficiary's situation, 4) building and maintaining a conducive organisational

culture that strengthens the professionalism of case workers, emphasises the importance of communication, adopts a coaching management style and follows a general bottom-up approach.

Community-focused empowerment should include at least the following aspects: 1) improving accessibility by asking communities to refer vulnerable community members for assistance and by actively engaging with the communities to this effect; 2) paying attention to individual as well as social resilience by building community capacity; 3) aiming for sustainability by having a clear picture of an exit strategy and the necessary structural changes.

The above key characteristics do not provide a comprehensive overview but merely seek to provide a first reference point for future policies and/or research on a vulnerability focus in basic assistance policies. Combining professional individual assistance and community-focused empowerment can provide a double safety net that 1) improves attention to beneficiaries' mental health; 2) mitigates the power imbalances inherent in each type of assistance; 3) lowers the access threshold for the most vulnerable and 4) improves the assistance providers' understanding of (the potential beneficiaries') vulnerability. However, this approach should not be viewed as a substitute for state (or other official) responsibility but should also go hand in hand with state(-like) institutions' active engagement with, and support of, communities. Such a combined approach can further improve the transformative potential of a vulnerability focus in basic assistance policies.

## Relational Vulnerability

Although the vulnerability notion itself might not be the 'holy grail' for substantive equality, this study concludes that some approaches to vulnerability are nevertheless better-equipped than others to strengthen the abovementioned professional individual assistance and community-focused empowerment measures. This study views the value of the vulnerability notion for this purpose primarily in the notion's emphasis on the social embeddedness of individuals. This understanding is best reflected in a relational approach to vulnerability. In this typology, vulnerability (needs + risks) and resilience (capacities + resources) exist as gradations of each other.

Vulnerability is defined as the *threat* of dependency and is therefore both risk- and needs-related. In this respect, the concept of needs focuses on what is needed to survive, to protect oneself and, ultimately, to thrive. In line with what respondents across both case studies emphasise and what is part of both organisations' vulnerability assessments, risks should be defined as contextual (socio-political, cultural, personal) threats that can be aggravated if these needs are not sufficiently met.<sup>1020</sup>

<sup>1020</sup> Susanne Jaspars and Jeremy Shoham, 'Targeting the Vulnerable: A Review of the Necessity and Feasibility of Targeting Vulnerable Households' [1999] 23(4) *Disasters* 363. Compare also Mackenzie (2013) 38–39.

Resilience, on the other hand, is related to the *promise* of autonomy. Autonomy is “the real and effective capacity to develop and pursue one’s own conception of a worthwhile life” and “is only achievable under socially supportive conditions”.<sup>1021</sup> As such, it is the result of the combined embodied, economic and social capacities and resources that can protect against dependency. An individual person’s (perceived) level of dependency or autonomy is thus the result of a person’s ability to provide for their needs and defend against risks on the basis of these capacities and resources.

In order for the combination of professional individual assistance and community-focused empowerment to make a sustainable contribution to substantive equality, such a policy must be informed by a deeper understanding of individuals and their social interaction. Relational vulnerability considers some aspects of vulnerability as “inherent in the human condition” but emphasises that these aspects are reinforced or even initiated “by life in society” and that these aspects can increase inequalities.<sup>1022</sup> In essence, relational vulnerability therefore underlines that an individual’s vulnerability arises in a complex relationship of societal ties and dependencies. Understanding vulnerability as relational can facilitate a nuanced assessment of capacities, resources, risks and needs.<sup>1023</sup> This helps to identify the root causes of a beneficiary’s vulnerability and therefore makes it more likely that basic assistance mitigates stigmatisation and stereotyping and facilitates socio-economic participation.

## Citizenship and Human Rights

Last but not least, the study concludes that the vulnerability notion is unlikely to transcend the abovementioned boundaries of citizenship: the primary state interest to determine the membership of its political community remains fundamentally opposed to the full realisation of universal human rights. Nevertheless, the vulnerability notion can facilitate the actual implementation of human rights by starting from a more complex understanding of human beings as socially embedded individuals. This allows for empirically-grounded approaches for the mitigation of discrimination, marginalisation, disadvantage and exclusion. This means that the vulnerability notion can be conducive to the realisation of universal human rights despite the state sovereignty dilemma in at least two ways: 1) by strengthening social resilience and 2) by recognising social belonging.

Social Resilience: Discrimination, marginalisation, disadvantage and exclusion are structural issues that need to be addressed comprehensively. The vulnerability notion can deepen the understanding of the structural nature of these issues and facilitate changes in social and societal structures such as families, communities, organisations and state institutions. The vulnerability notion therefore supports the sociological view

<sup>1021</sup> Anderson and Honneth (2004) 130. Compare also Mackenzie (2013) 34.

<sup>1022</sup> Misztal (2011) 46.

<sup>1023</sup> Mackenzie (2013) 42–56.

that “individual rights are constructed by and in society; the individual and the social are mutually constitutive of one another, rather than the individual being ontologically prior to the social”.<sup>1024</sup> In so doing, the notion draws attention to alternative pathways for the realisation of universal human rights through strengthened social ties and informal networks. This social resilience can (and often already does) provide an alternative social safety net for those non-citizens without access to formal state assistance and benefits.

Social Belonging: Non-citizens are rarely completely excluded from the political community but often participate informally. The vulnerability notion’s emphasis on social and societal ties questions the foundations for belonging to a political community. Even without legal status, the everyday life, the hopes and sorrows, of non-citizens resemble those of most people: making a living, caring for their families, celebrating happy moments and mourning the dead. Socio-economic exclusion is therefore not necessarily a permanent consequence of uprootedness and legal/political exclusion. The vulnerability notion underscores this social reality and therefore questions the justifiability of excluding fully participating social citizens from other forms of citizenship. This underlines the gradations in citizenship that can blur the hard boundaries of legal status-based exclusion. In emphasising these “broader societal preconditions for human rights”, the vulnerability notion therefore contributes to Arendt’s vision of truly ‘human’ human rights.<sup>1025</sup>

The vulnerability notion’s emphasis on social ties highlights that the realisation of universal human rights is a complex process with a multitude of gradations. Hence, although the vulnerability notion might not *prima facie* transcend legal status-based exclusion, a relational understanding of the notion, paired with professional individual assistance and community-focused empowerment, can at least mitigate part of the consequences of, and question the rationales for, this exclusion.

## Final Remark on Normative Ideals and Policy Practice

For universal human rights to be realised, normative-theoretical entitlements and actual needs or risks must complement each other. The vulnerability notion, as understood in this study, could link such entitlements and actual needs/risks because it combines 1) an entitlement-focused normative emphasis on the responsibility of governments and other human rights duty-bearers to build resilience and 2) needs/risk-focused practical tools that can help to target policies towards the most vulnerable. This is beneficial for substantive equality, and therefore for the realisation of universal human rights, because it redirects human rights towards reaching those who are furthest behind *first*, thereby also linking human rights to the Sustainable Development Goals’ objective to ‘leave no one behind’.

<sup>1024</sup> Mikael Madsen and Gert Verschraegen, ‘Making Human Rights Intelligible: An Introduction to a Sociology of Human Rights’ in Mikael Madsen and Gert Verschraegen (eds.), *Making Human Rights Intelligible: Towards a Sociology of Human Rights* (Hart 2013) 8–9.

<sup>1025</sup> Madsen and Verschraegen (2013) 10–11; Hannah Arendt, *The Origins of Totalitarianism* (Meridian Books – The World Publishing Company 1958) 299–302.



## ABOUT THE AUTHOR

Veronika Flegar is currently the First Secretary for Human Rights, Humanitarian Affairs and Gender at the Embassy of the Kingdom of the Netherlands in Dhaka, Bangladesh.

During the research for this book (2015–2019), she worked as a PhD researcher at the Department of Constitutional Law, Administrative Law and Public Administration (University of Groningen, The Netherlands). Between 2017 and 2019, Veronika lived and worked in Sudan where she conducted field research for this book with UNHCR and IOM (2017–2018) and worked as a consultant for UNDP (2019). Veronika was also a guest lecturer at Ahfad University for Women (Sudan, 2017) and a visiting researcher at Lund University (Sweden, 2018). Previously, she worked for the Dutch Council for Refugees and for the ERC-funded project ‘Rethinking Disability’ at the Institute for History (Leiden University, The Netherlands). In addition, Veronika has been engaged in policy-oriented research and consultancies for several UN agencies and non-governmental organisations.

Veronika studied International Relations and International Organisation (Bachelor of Arts (Honours) 2012, *cum laude*) at the University of Groningen and the Universidad Nacional Autónoma de México (Mexico) and International Law and the Law of International Organisations (Master of Laws (Specialisation Human Rights) 2013, *summa cum laude*) at the University of Groningen.

Her research interest revolves around international organisations, humanitarian affairs and migration governance. Her previous publications include discussions on the content, context and challenges of the vulnerability notion in relation to international human rights law, humanitarian policies, border management, *non-refoulement*, non-discrimination, disability and procedural justice.



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